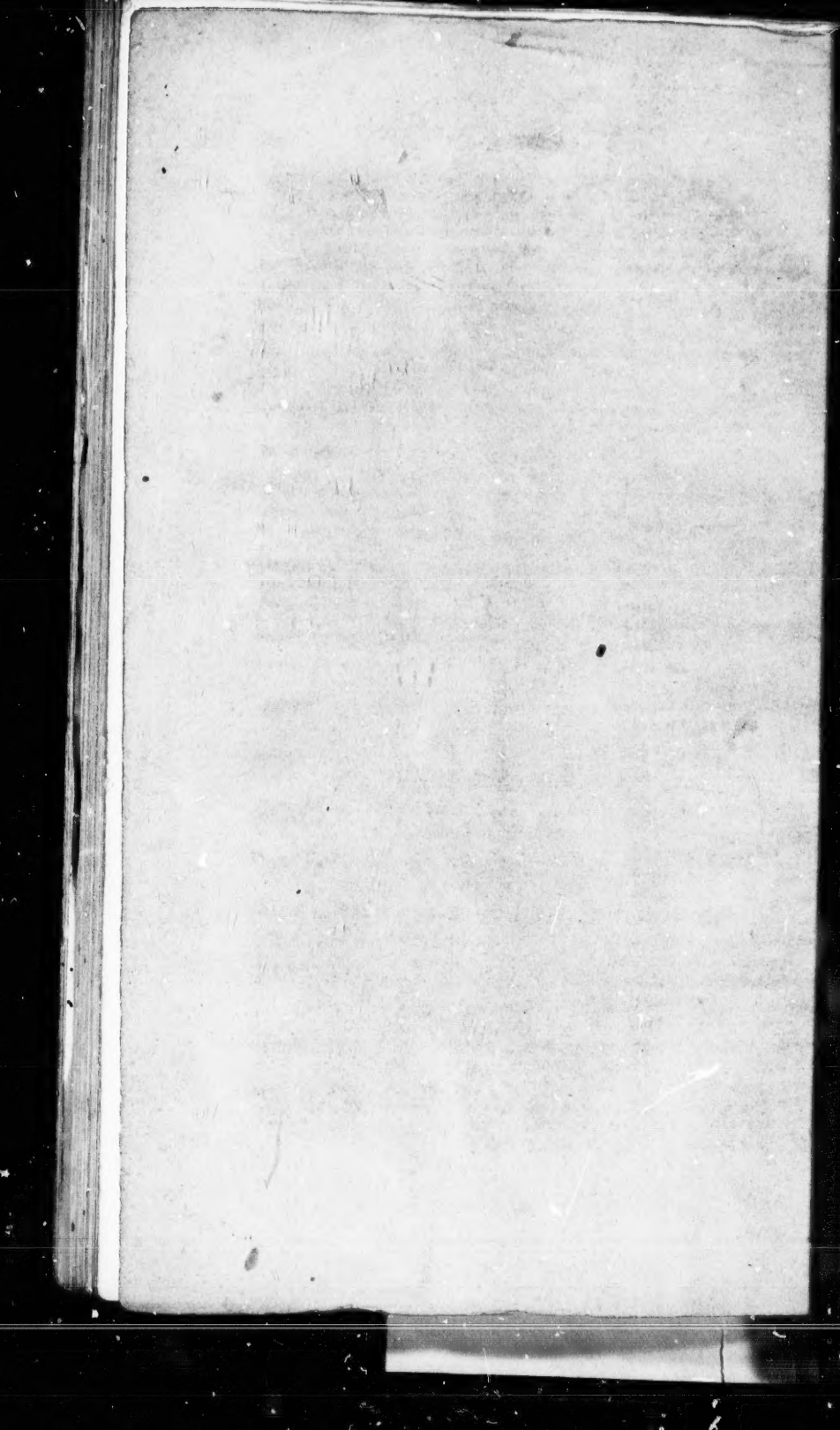




DEFENCE

OF

SIR CHARLES METCALFE

BY THE REV. EGERTON RYERSON.

REMARKABLE AND CELEBRATED POLITICAL LETTERS!

In defence of Sir Charles Metcalfe—Loy-
alty—and British Principles!

BY THESE LETTERS

THE TORONTO REFORM ASSOCIATION

(The Nest of the Canada Rebellion,)

Was Entirely BLOWN UP!

And the Elections in Canada

(In 1844.)

Secured for the Government

AGAINST

COMBINED ARROGANCE AND
TREACHERY.

INTRODUCTORY ADDRESS.

By the Reverend Egerton Ryerson.

FELLOW CHRISTIANS AND FELLOW

SUBJECTS OF WESTERN CANADA!

Permit me, the study of whose life has been the welfare of his native country, to address you a few words at this portentous crisis of our provincial history.

By the events of 1837, and the safety and welfare of your families, I warn you to pause before you tie yourself any closer to that knot of a certain class of lawyers, who, with the decoy of two or three honest stool pigeons, figure in the Toronto Reform Association.

In 1834, I gave a similar warning shortly after the then called "Constitutional Reform Association" was established in Toronto. In 1837, my warning predictions were realized to the ruin of many and the misery of thousands. What took place in 1837 was but a preface of what may be witnessed in 1847.

The principles of the Association of 1844 are constitutional; so were the principles of the Association of 1834.

The present Association includes names of the highest respectability; so did the former Association include the most respectable as well as most learned names of that day.

The former Association, with the profession of sound principles, distilled and breathed out a subtle poison against all that constituted

the health and stability of Colonial Government, which developed itself in the convulsions of 1837. The present Association with, the avowal of constitutional principles and the assertion of sound maxims, breathes in its recent "Address to the People of Canada," the deadliest hatred against the Representative of Sovereignty, and the darkest insinuations against the exercises and ramifications of Imperial and Colonial Government—engendering and exasperating a spirit which may be neither under self control nor legal control before 1847.

In 1834, I stated that I did not believe there was one out of one hundred of the members and disciples of that Association who contemplated any thing beyond what was lawful and constitutional, but there were seditious and leavening elements in their proceedings, which like the use of spirituous liquors, or the indulgence of the sensual appetites would urge them to deeds and to projects at which they then shuddered. I say the same in regard to the supporters of the present Association. But the spirit of the former Association was only a shade of the virus which circulates throughout several of the speeches and the recent "Address" of the present Association:

And if such a man, for example, as Mr. WILLIAM HUME BLAKE—Queen's Professor of Law in King's College—who, two years ago, spoke against accepting the Solicitor-Generalship of Canada West (should it be offered to him) because he would not be in a government with such men as Messrs. Sullivan and Hincks, can now not only organize with such men, but hold up Sir Charles Metcalfe under the character of Warren Hastings, and exhibit the King and Government, and even People of Great Britain, in colours of the deepest depravity and barbarism; what may not he and others like him be found doing against the British Sovereign's Representative in Canada two years hence?

I therefore solemnly warn all who have the safety and best interests of themselves and families at heart, to pause before they enlist under the banners of the "Toronto Reform Association." And I warn those who have been drawn into it, to disentangle themselves before they become inveigled to their ruin.

There is a political as well as physical in-

toxication, and an enthusiasm of political as well as religious MILLIENISM; and there is as much danger of the world coming to an end in 1844, as there is of the Responsible Government coming to an end unless perpetuated by the Toronto Association.

I have hitherto been a silent but deeply attentive spectator of passing events. I accorded with the general measures of the late administration. I entertained for some members of it the esteem and regard of personal friendship. Their resignation introduced questions which I had not investigated in the pages of history, I viewed it with regret and concern. From their explicit and earnest explanations I believed they were right. I felt that on the question placed by them before the House of Assembly, it came to the only constitutional decision. I believed Sir Charles Metcalfe had mistaken his way or been advised into error; yet the peculiar character of his written statement, and the conscious integrity it evinced, excited a belief that something still remained unexplained, and my curiosity was awakened. Statements of certain members of the Assembly, who voted with the majority and whom I saw after the prorogation satisfied me that all had not been told. I at length observed in Mr. Sullivan's explanatory speech—evidently written out by himself, and first published in the Montreal press, statements omitted by Mr. Baldwin, and equivalent to what the Governor General had asserted as the *real* ground of difference between him and his Council. I subsequently saw a more explicit statement to the same effect by Mr. Hincks. I was convinced that the fundamental question at issue between the Governor General and his late Councillors had not been brought before the House; that he was a misrepresented and an injured man. But I supposed the ordinary means of public discussion would elicit the truth; and I trusted that a mutual understanding and reconciliation would follow. I was at one time inclined to suggest that remedy, and what appeared to me an honourable and feasible means of applying it. I desired to remain on terms of amity with both parties. The organization of the Toronto Association by one of the parties concerned, damped my hopes of such a consummation; its subsequent proceedings have extinguished them; its last address has put neutrality out of the question. While God gives me a heart to feel, a head to think, and a pen to write, I will not passively see honorable integrity murdered by grasping faction, and spotless character and generous humanity hewn down by party combination. I would not do so in 1838, when an attempt was made to degrade and proscribe and drive out of the country all naturalized subjects from the United States, and to stigmatise all reformers with the brand of rebellion,—as much as I have always disliked the peculiar institutions of the United States, and as much as I had then been recently maligned by many Reformers,—although there were then no Messrs. Baldwin and Hincks who could or dare speak for them, and no Mr. Sullivan

who *would* speak for them. I relieved the name of an injured James S. Howard from the obloquy, that hung over it, and rescued the character and rights of exiled Bidwell from ruthless invasion, and the still further effort to cover him with perpetual infamy by expelling him from the Law Society. In behalf of these classes and individuals, every member of the Toronto Association was as silent as the grave and as powerless as he was silent. I will not see—to say the least—an equally noble character in the person of Sir Charles Metcalfe branded with all that is base and infamous by a kindred combination. His exalted station does not strip him of the rights of justice; nor his being the representative of royalty deprive him of the allegiance of humanity. I have surveyed every step of the ground involved. I have weighed every argument and examined every fact. I know the country whom I address, I know the men with whom I have to do; and formidable though they be, I fear them not. Justice has more power over the human conscience than party combinations; and one smooth pebble of truth possesses more virtue than a thousand Goliath spears of political Philistinism.

I was about entering upon the peaceful work—a work extensive and varied beyond the powers of the most untiring and vigorous intellect—a work down to this time almost entirely neglected—of devising and constructing (by the concurrence of the people, through their District Councils) a fabric of Provincial Common School Education—of endeavouring to stud the land with appropriate school-houses—of supplying them with appropriate books and teachers—of raising a wretched employment to an honourable profession—of giving uniformity, simplicity and efficiency to a general system of elementary educational instruction—of bringing appropriate books for the improvement of his profession within the reach of every schoolmaster, and increased facilities for the attainment of his stipulated remuneration—of establishing a library in every district, and extending branches of it into every township—of striving to develop, by writing and discourses in towns, villages and neighbourhoods, the latent intellect, the most precious golden wealth of the country—and of leaving no effort unemployed within the limited range of my humble abilities, to make Western Canada what she is capable of being made, the brightest gem in the crown of her Britannic Majesty. Such was the work about to be assigned to me; and such was the work I was resolving, in humble dependence upon the divine aid, to undertake; and no heart bounds more than mine with desire, and hope, and joy, at the prospect of seeing, at no distant day, every child of my native land in the school going way—and every intellect provided with the appropriate elements of sustenance and enjoyment—and of witnessing one comprehensive and unique system of education, from the a. b. c. of the child up to the matriculation of youth into the Provincial University, which like the vaulted arch of heaven would exhibit an identity of

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But I arrest myself from such a work—leave it perhaps to other hands, and the glory of its accomplishment to deck another's brow, and if need be to resign every official situation; and unsolicited, unadvised by any human being—inwardly compelled by a conviction what is due to my sovereign, to my country, to a fellow-man, I take up the pen of vindication, of reasoning, of warning and appeal, against criminations and proceedings and impending evils, which, if they be not checked and arrested, will accomplish more than the infamous *Ostracism* of an *Aristides*, render every effort to improve and elevate Canada abortive and strew in wide-spread desolation over the land the ruins of the throne and its Government.

In this momentous matter, I ask you not to take my word for one particle of what may be asserted. My appeal throughout will be to unchallenged documents and indisputable published facts, which cannot be successfully denied by numbers or resisted by combinations. I know of old what party assassination of motives and character is. I have met it. I have lived it down. I can do so again. I heed it not. Long before any one of the Toronto Association had a political existence, as a public man in the ranks of civil rights, I battled the cause of equal privileges, from the right of a bit of ground to bury our dead, to the full recognition of religious equality; and if need shall require, I trust in God I shall be found doing so again, when that Association, like its kindred predecessors, with their Mackenzie townships auxiliaries, shall be mouldering under the funeral piles of the insurrections of which they have been the primary cause.

Of the need of such an advocacy there can not be a moral possibility while Sir Charles Metcalfe hold the sceptre of the government. He has spent his forty years of public life in a colony, and has therefore all the habits and feelings of a colonist. He has spent all that time not in the atmosphere of an exclusive ecclesiastical hierarchy, but in a country where equal civil and religious rights are recognized, and has therefore all the habits and feelings of religious equality—and adaptation of experience and views for the government of Canada not possessed by any other statesman of his rank in the British Empire. And I am as satisfied as I am of my own existence that no one of the Toronto Association has a more fixed desire and determination to employ his utmost power to place the University of King's College upon terms of equal advantage and footing for all Trinitarian churches than Sir Charles Metcalfe himself. Sir Charles Metcalfe's spirit, like his charities, is limited to no one sect or party, but expansive as the wants and interests of humanity; and IF HE CANNOT GOVERN CANADA, IT CANNOT BE GOVERNED AS A BRITISH PROVINCE.

The Toronto Association has alleged again, and again, and again, that because many persons who have heretofore opposed Responsible Government have come forward to support Sir Charles Metcalfe in the present crisis, that, therefore, he is opposed to Responsible Government. As well might it be alleged that the Queen is hostile to the Parliamentary Reform Bill, because the leading persons and the whole party who opposed that bill are members and supporters of her Government. —Responsible Government is as much the established and recognised government of Canada, (as I shall hereafter prove) as the Reform Bill is the established law of Great Britain and Ireland; and no government or party can make it otherwise, were they so disposed. This was avowed by Mr. Sherwood and others of the same party at the commencement of the late session of the Legislature. The attempt to proscribe men from the equal benefits of a law or system to the introduction or establishment of which they have been opposed, is more unjust, more un-British, and more anti-Christian than the attempts which have been heretofore made to proscribe from equal rights and situations of public trust all Reformers and all persons who had been represented as having connived at the late insurrectionary movement. When a law or system is once established, all parties and persons are entitled to its equal protection and benefits; and proscription of any kind or from any quarter, is as unconstitutional as it is execrable. Many in both Canadas were opposed to their union—Frenchmen in Lower Canada and Conservatives in Upper Canada, but both classes are now equally entitled to all the advantages, as they are equally subject to all the disadvantages of the *Act of Union*. So are they equally subject to all the protection and disadvantages of Responsible Government.

The late Lord Sydenham first offered office to leading Frenchmen of Lower Canada. They refused unless his Lordship would agree to the repeal of certain clauses of the Union Act. He refused; they thereby excluded themselves from power under his administration; and Lord Sydenham employed those who would support the Union Act inviolably, and used various means to accomplish his end. This condition no Frenchman repeated when offered office by Sir Charles Bagot. Mr. Baldwin joined Lord Sydenham's government, not from confidence in Lord Sydenham's Council, but on the ground of an avowed confidence in Lord Sydenham himself.—When Mr. Baldwin withdrew from Lord Sydenham, his Lordship stated to the Reformers that if they would not support him he must appeal to those who would. All the Upper Canada Reform Members of the Assembly, except three or four, supported Lord Sydenham against Mr. Baldwin, and thus prevented the rule of the opposite party, and by their measures and avowed action upon the principle of Responsible Government, prevented convulsions in the country, and paved the way for the subsequent assimilation with them

of Mr. Baldwin and his friends and the leading Frenchmen of Lower Canada.

Mr. Baldwin has now split with Sir Charles Metcalfe, and persuaded his colleagues and many others to join him; split not upon a mere question of local policy, but upon the allegation against Sir Charles Metcalfe that he has violated the fundamental principles of Responsible Government. His Excellency alleges that what has been charged upon him as a violation of Responsible government, is the maintenance of an essential prerogative of the Crown in the working of that system itself, both theoretically and practically, as much as Mr. Baldwin does.

Now, as it is not a question of local policy between two parties in the country, or between one party and the Governor General but a question of constitutional law as to what is and what is not the constitutional prerogative of the Crown, or the right of the subject, in the system of Responsible Government; and it is avowed in the Resolutions of the House of Assembly of September, 1841, that the "Governor is responsible to the Imperial authority alone;" and as the question of the constitutional prerogative of the Crown involves beyond all doubt an imperial interest of the highest and most sacred character; the Imperial authority is unquestionably the legitimate tribunal of appeal in such a question—the only constitutional judge whether the right of power in dispute between the Governor General and Mr. Baldwin is the legitimate property of the Crown or the subject, the same as the Court of Queen's Bench is the legal tribunal of decision on any question of property between man and man. Mr. Baldwin practically renounces the Imperial authority by refusing to appeal to it, and by appeal through the Toronto Association to the people of Canada. If the people of Canada are the tribunal of judgment on one question of constitutional prerogative, they are so on every question of constitutional prerogative. Then the Governor is no longer responsible to the Imperial authority, and Canada is an independent country. Mr. Baldwin's proceedings therefore, not only lead to independence, but involve (unconsciously, I admit, from theoretical views) a practical declaration of independence before the arrival of the fourth of July! and all the declamation and vehemence of the Toronto Association to the contrary cannot make it otherwise, or resist the force of this necessary conclusion.

Are the people of Western Canada prepared for this? If not, then pause before you commit yourselves with the Toronto Association.—Nay, I am persuaded that Mr. Baldwin and his associates will shrink from this conclusion. Far be it from me to charge them with *intending* such a conclusion, any more than I would charge Antimonians with *intending* to make the Divine Being the author of sin. I push it as the legitimated consequence of their own proceeding. If they dread the conclusion, let them abandon the premises which involve it.

Then, one branch of the Imperial authority

—the Crown, with the advice of a ministry jealous of their rights—has decided in favour of Sir Charles Metcalfe's construction of constitutional prerogative. There is no reason to believe that the British parliament will decide differently from her Majesty and her advisers. Are the people of Canada, then, prepared to resist the decision of the Imperial authority! It is no longer a question between Mr. Baldwin and Sir Charles Metcalfe, but between Mr. Baldwin and the Imperial authority.

The strength of the empire will of course, be employed, (if need be) to support its authorities. Are the people of Canada prepared for such a collision? If not, avoid, I beseech you, the precipice towards which the Toronto Association is drawing you.

Sir Charles Metcalfe's humanity and liberality have prevented him from inflicting upon the whole country the evils which the conduct of a few individuals was calculated to produce. He has not formed a high party government as he might have done. True to his avowed principles of justice and liberality, he has calmly waited (by the permission of the Home Government) several months, that the people might understand the error imposed upon them—that they might become aware of their position, and interests, and danger, and accede to his constitutional offers and wishes of forming a just and liberal Government. If they persist in maintaining an unconstitutional stand against the constitutional decision of the Imperial authority as did some persons in Lower Canada, in the first instance, against the Constitutional Act of Union—then must Sir Charles soon do, as did Lord Sydenham, appeal to those who will support him, and employ whatever power may be necessary to sustain the constituted authorities of the land; and upon the Toronto Association and those who allow themselves to be goaded by it, will rest the responsibility of the state of things which may ensue.

It is at such a crisis and under such circumstances, I respectfully and earnestly appeal to the Inhabitants of Western Canada; and while I shall vindicate the character of a calumniated and injured man, I will shew that the very facts alleged in the impeachment against him, are, when fully considered in all their bearings, those which ought to endear him most to the people of Canada as the faithful and generous friend of their common rights and interests.

If a Wesley, a Fletcher, a Robert Hall, a Chalmers have become before the people of Great Britain at eventful epochs of public affairs, and if I have heretofore been fully justified for coming before the Canadian public on less important occasions, no apology is necessary to justify my undertaking the task to which I now address myself.

May 27, 1844.

E. RYERSON.

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SIR CHARLES METCALFE DEFENDED
Against the Attacks of his late Counsellors,
BY EGERTON RYERSON.

CONTENTS, No. I.

Importance of the Question—proper disposition of mind for the examination of it—A Question of FACTS—position of Parties—Question stated in the words of Mr. Baldwin—distinguished from several other collateral questions and circumstances—nine propositions to be proved.

Every man in Canada is deeply interested in the decision of the question at issue, between His Excellency Sir Charles Metcalfe and his late counsellors. Every man in Canada should therefore, make himself acquainted with that question in all its bearings. He cannot do so without hearing and investigating both sides. He cannot investigate both sides fairly and correctly, without maintaining a feeling of impartiality—a desire to do right between man and man—a determination to yield to evidence, on whatever side it may preponderate. Dr. Watts has well observed—“When you are in search after truth in questions of a doubtful nature, or such as you have not yet thoroughly examined, keep up a just indifference to either side of the question, if you would be led honestly into the truth.”

The question at issue is not one of political or philosophical speculation. Like the momentous question of the truth of Christianity, discussed between believers and sceptics, it is a question of facts—a question which every man in Canada is competent to understand, however limited his acquirements, and however humble his condition. It is true, these facts involve principles, and principles of vital importance; but still, the facts are the antecedents, and the principles the consequents. The matter of enquiry and decision, therefore is a simple question of facts.

In this question, as it now stands, the late Counsellors are the plaintiffs: Sir Charles Metcalfe is the defendant: the Canadian public are the jury, and every reader is a jurymen. Sir Charles Metcalfe is charged with having compelled the resignation of the late Counsellors, by invading the principles of Responsible Government.—The constitution of Canada—and the public are appealed to, to sustain the prosecution, by supporting the prosecutors. If Sir Charles Metcalfe has violated the established constitution of Canada, then should he be condemned; if he has not, then he is entitled to the verdict of the country.

Sir Charles Metcalfe is no adventurer—no fortune seeker; but a fortune spender—a fortune spender in the country from which it is attempted to ostracise him—a fortune spender in public charity. No Governor of Canada has ever expressed liberal views of Responsible Government to the same extent, or manifested the same patient and inflexible determination to establish liberal counsels, and administer Government upon equal justice to all classes, without regard to sect or party—the prayer of Canada in all past time. The attempt, thereof, to destroy the public char-

acter of such a man, and banish him from the country, is the more suspicious on the part of its originators, and the more alarming to any right thinking mind. And be it remembered that no honest ruler was ever cut down by party—no monarch was ever dethroned,—no government was ever subverted, except by the assertion of sound political principles, falsely applied; ambitiously, and sometimes cruelly welded. It was so in the days of OLIVER CROMWELL; it was so in the time of the FRENCH REVOLUTION; it is so with the TORONTO ASSOCIATION.

In the first place, then, let the question be disentangled from all the adventitious circumstances with which it has been or may be associated, in the mind of the reader.

It should, therefore, be borne in mind, that the question at issue has no connection with the measures, or policy, or motives, or characters of the late Counsellors. Their measures may have been well or ill advised; their policy may have been patriotic or selfish; their characters may be virtuous or vicious, according as the reader may desire or believe. With them we are not now concerned. The issue on which they have gone before the country has been thus stated by the honourable Mr. Baldwin:—“He (Mr. B.) and his colleagues had lately the misfortune to ascertain, that the Head of the Government entertained views widely differing from them, both as to the position, duties, and responsibilities of their office. Had the difference been merely a theoretical one, they might, and probably would have felt it their duty, to avoid any occasion of disturbing the apparent harmony existing, and have left it to a future occasion, to point out to the Head of the Government the true state of the case; but when they found that difference resulted not only in appointments to office contrary to their advice—but appointments and proposals of appointments made without giving them an opportunity of even tendering their advice,—they felt the difference of the views entertained by the Head of the Government and the Administration were not theoretical. These were not, however, the only grounds,—not the only practical results. When they found that difference of opinion had led to the reservation of a bill for the sanction of Her Majesty—a most important bill, towards which, from the time of its first introduction until it had passed both Houses of the Legislature, they knew not that such a course would be pursued. When they found such views were entertained by the Head of the Government, they felt it was not consistent with the principle which had been introduced into the administration of affairs, that such a state of things should exist.”

This is a statement of the case by Mr. Baldwin himself. The reader will observe, that Mr. B. does not ground the resignation of himself and his colleagues, upon a certain case or cases in which His Excellency refused to take their advice, or acted against it, but upon certain views he held, and the manner in which he made certain appointments, and

reserved a certain bill; which *views* and *manner* of making appointments, are alleged to be "inconsistent with the *principles* which had been introduced into the administration of affairs,"—that is, the *principles of Responsible Government*.

Be it observed, furthermore, that it is not whether Sir Charles Metcalfe's Counsellors, are the most judicial and beneficial; but are his *Excellency's views* and *acts constitutional* or *unconstitutional*? If his *views* and *acts* are not unconstitutional, then is he an injured as well as an innocent man, and as such deserves the acquittal and sympathy and support of all good men. If his *views* and *acts* are unconstitutional, then would he, if a Sovereign, instead of the Representative of a Sovereign, be dethroned, either by decapitation, as was Charles the First, or by forced abdication, as was James the Second; but as it is he must be dethroned by removal.

It is not then upon *their own views* and *acts* that the late Counsellors have come before the country, but upon the *views* and *acts* of the *Governor General*. They have come forth in the two-fold capacity of accusers and witnesses against the Representative of their Sovereign. They allege, that in their own persons, Sir Charles Metcalfe has both by avowals and acts, violated the established constitution of the people of Canada, and they claim protection and support from the people in *defence* of their invaded rights and privileges. The Governor-General pleads not guilty on *both counts*, and (to use his own words, in reply to the late Counsellors,) "protests against its being supposed that he is practically adverse to the working of the system of Responsible Government which has been established— which he has hitherto pursued without deviation, and to which it is fully his intention to adhere." In denying the charges preferred against him, His Excellency alleges that which he resisted was unconstitutional—that he is the protector rather than the invader of the constitutional rights and privileges of the people of Canada.

Such are the allegations on which the Canadian public are called upon to decide; and it is to the testimony by which these allegations are sustained, that I invite the attention of the reader in the following pages. As a man he is bound to do to another as he would be done by in similar circumstances. As a juror it is his duty, whether sworn or not, to render a verdict according to *evidence*, without "fear, favour, or affection." This is all I ask in the present case, and this I am persuaded will not be refused.

In this investigation neither the reader nor the writer has any thing to do with the *motives* or *merits* of the parties concerned; but with the *facts* at issue between them. We are not fathoming motives, or comparing characters, but weighing evidence and drawing conclusions. I am hostile to neither party; I impugn the motives of neither party; but I have a duty to discharge to my Sovereign and my country. A living American writer has remarked, "When an idea is advanced,

we do not stop to inquire the intention of him who propounds it, but we regard the idea itself intrinsically, and determine its character accordingly, irrespective of the assertions or protestations of its author." And it is an equally just observation of an English periodical writer, that "good intentions are no justification for indiscreet conduct, which may bring scandal on a great cause, and which must inevitably place a sharp weapon in hostile hands."

Nor is the prevalence of the impressions in favour or against one party or the other, to be taken into account. First and even general impressions are not always correct. After the insurrection of 1837, unfavourable impressions were made far and wide against the late Postmaster of Toronto and Mr. Bidwell. But subsequent investigations corrected those impressions. The former has been appointed to office; and Sir F. Head's proceedings against the latter has been cancelled by Sir C. Metcalfe. If impressions have not been made far and wide to the disadvantage of the Governor General, it is a most extraordinary phenomenon. His accusers, respectable in standing and considerable in number, made their statements in the Assembly, without any one present authorised or qualified to correct or reply to them; they have held public meetings, formed organizations, made and published and circulated speeches to the extent of not less than several hundred pages, and all to the same effect; while the very position of His Excellency precludes him from the power or the privilege of defence, except through his advisers in Parliament. all he can do, is, as he has done in his replies to addresses, to deny the charges, reiterate the assertion of his views and complain of the injustice done him. Nor do I in this publication pretend to write a *defence* of His Excellency—though I do profess to defend him, as far as an examination of the evidence adduced against him will authorise me to do so. His defence, properly speaking, must be left to other hands, and for another place.

In the following pages I propose to shew—

1. That the proceedings of the late Counsellors in their resignation, and against Sir C. Metcalfe, are informal in every respect.
2. That they have failed to establish the allegations which they have made against His Excellency.
3. That the statements of His Excellency are fully sustained by the testimony of his accusers and adversaries, especially that of Messrs. Sullivan, Hincks, Boulton and Brown—Editor of the *Globe* newspaper.
4. That the question at issue between the late Counsellors and Sir C. Metcalfe, according to the statement of several of themselves and others on different occasions, is not that which Mr. Baldwin stated to the House of Assembly and on which the vote of the Assembly was predicated.
5. That Sir Charles Metcalfe's statements of his views of Responsible Government involve all that is contained in the Resolutions of the House of Assembly, September 3, 1841,

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and that the criticisms of Messrs. Baldwin, Hincks, Brown, on certain of His Excellency's replies are unfair, and unjust.

6. That his Excellency's avowed policy in the administration of the government, is precisely that which was professed by the late Counsellors twelve months ago, and which has been demanded by all shades of Reformers during many years.

7. That the policy of government now advocated by the late Counsellors is that which they have heretofore repudiated, and which must prove injurious to the intellectual and moral improvement, the happiness and best interests of the people of Canada.

8. That the proceedings of several late Counsellors, since the prorogation, have been unprecedented—enervating, if not destructive of legal government—calculated, though not intended, to weaken the connection between Canada and Great Britain.

9. That in at least seven different instances have the late Counsellors departed from British constitutional usage—that the present course of hostility against the Governor General and her Majesty's government, by some of them, must be attended with injurious if not fatal consequences—that it is the duty and the interest of the people of Canada to maintain those views which they have always professed, and which Sir Charles Metcalfe has most explicitly and fully avowed.

NUMBER II.

The first proposition that I propose to establish in defence of Sir Charles Metcalfe is, *that the proceedings of the late Counsellors, in their resignations, and against his Excellency, are informal, or technically unconstitutional, in every respect.*

The importance of adhering to established forms and usages, (however arbitrary in themselves) will be readily appreciated by every jurist and man of experience in civil or ecclesiastical courts. It will be equally appreciated in affairs of state by every man acquainted with parliamentary usages, though it may not be so strongly felt by one who has little knowledge of the science of government and legislation. In such a proceeding as that of the resignation of Ministers, and their accountability to Parliament, an adherence to established usage is of the very last importance, as it is an essential security of the crowns of Sovereigns, and involves the characters of Kings and statesmen, and the peace of nations.—The responsibility of ministers for executive acts is peculiar to the British constitution; and the correctness of procedure in case of their resignation must, therefore, be determined by British practice. Had that practice been observed in the late resignations, the perplexity in which the matters of difference are now involved, would have been prevented, and the foundation of our government would not have been shaken.

That every reader may fully understand this question, let it be observed that the power of the Cabinet Council, as distinct from that of the Sovereign, is unknown in the British con-

stitution, which consists of King, Lords, and Commons only—that the Sovereign, not possessing the inherent attribute of ubiquity, acts through instruments, the chief of whom, constituting a cabinet, are called ministers and are responsible to Parliament for the acts and measures of the Executive. And they are *justly* responsible; because they are incumbents of office by their own consent, and are consenting parties at least to the acts and measures in the execution or adoption of which they are *voluntary* instruments or advisers. "It is true," says De Lolme, "the King cannot be arraigned before Judges; because if there were any that could pass sentence on him, it must be they, and not he, that must finally possess the Executive power, but on the other hand, the King cannot act without ministers; it is therefore those ministers—that is, those indispensable instruments, that the Commons attack. If, for example, the public money has been employed in a manner contrary to the declared intention of those who granted it, an impeachment may be brought against those who have the management of it. If any abuse of power is committed, or in general anything done contrary to the public weal, they prosecute those who have been either the *instruments* or the *advisers* of the measure."^{*}

"It was upon these principles," (adds De Lolme, in a note,) "that the commons, in the beginning of the eighteenth century, impeached the earl of Orford, who had advised the Treaty of Partition, and the Lord Chancellor Somers, who had affixed the great seal to it."

By referring either to *Smollet's History of England*, or to *Barnet's History of his own Times* for 1801, the reader will find that as Orford did not *advise* the treaty at all, but *consented* to certain parts of it—that Chancellor Somers, of the Privy Council, had advised against it, but as Chancellor he had obeyed the royal command in affixing the great seal to it. Yet the Commons held both Orford and Somers, responsible, and declared that "by advising His Majesty to conclude the Treaty of Partition, whereby large territories of the Spanish Monarchy were delivered up to France, they were guilty of a high crime and misdemeanor."

Now, though in point of fact, neither Orford nor Somers knew anything of the Treaty until after it had been determined on by the King—though both of them objected to it as a whole—yet they were held responsible even as *advisers*, upon the constitutional evidence that they both remained in office, and one of them affixed the great seal to a blank, which was afterwards filled up by others at the command of the King, with the articles of the Partition Treaty. And such has been the doctrine of ministerial responsibility in England from that time till this.

It will be seen in this case, that the Commons did not enquire or care (and has not done so for 150 years) whether the King determined upon the measure before or after

^{*} Constitution of England, chap. viii, pp 81, 82—Hughes' Edition.

taking advice of his ministers; whether they had or had not an opportunity of tendering him advice before he decided on the measure; with the conduct of the King, or his mode of intercourse with his ministers, the Commons had nothing to do; it was enough that the ministers assented to an act or measure by voluntarily remaining in office. George the third would scarcely allow of any ministerial interference with his exercise of ecclesiastical patronage—especially the appointments of Bishops—though ministers remaining in office were responsible. George the fourth made two military appointments while the Duke of Wellington was Cabinet Minister and at the head of that department, and of which the Duke knew nothing until he saw them announced in the papers. Yet neither the Duke nor Mr. Pitt ever came down to the Lords of Commons with an impeachment against his Sovereign that he entertained views which led to acts “*inconsistent with the principle*” which had been introduced into the administration of affairs since 1688; and therefore that the Parliament must either sacrifice that principle or support them. Neither house of Parliament would have suffered such an impeachment of the Sovereign to be made within its walls; and such a manoeuvre on the part of any minister to excite sympathy and strengthen himself, by damaging his Sovereign, who might not take or ask his advice, would cause him to be spurned from every hustings in England, whatever might be his merits in other respects. But more on this subject hereafter.

Having stated the responsibility of ministers, let us now consider the grounds of their resignation, and mode of justification before Parliament. They may resign on various grounds. For example, they may fall in a minority in one or both houses of Parliament! then the ground of their resignation can be explained without divulging any secret. Sometimes one or more ministers may resign on account of a difference with their colleagues; then almost any mode of explanation may be safe, as both parties are in the same house, and on the same footing, and are equally responsible for their statements and opinions. Again, ministers may resign because of a difference with their Sovereign. That difference may be evinced by the Sovereign's disavowing their advice, either by rejecting it or by deciding without it. This ground of resignation involves matters of more delicacy than either of the former; and, accordingly, British usage requires the use of more form and precaution in explaining it.

Every Minister is sworn to secrecy, except in as far as he may be released by his Sovereign. Any minister who would divulge the councils of his Sovereign without permission, would be liable to prosecution for perjury.—One of the many reasons for this obligation to secrecy, is, the security of reputation, if not the very Crown, of the Sovereign. If incensed or disappointed ministers could tell what they please about the opinions and acts of their sovereign, they might then expect

such hatred against him as would lead to his dethronement; or, if a Representative of a Sovereign, to his removal, and thereby inflict upon his character indelible disgrace and infamy. The Sovereign's character, as well as his Crown, should therefore be sacred. An oath is essential to his safety, especially in so many hands.

No Minister, then, can lawfully divulge any thing that has transpired in the councils of his Sovereign, without the permission of the Crown. Should the Crown refuse to permit a resigning minister to explain the grounds of his resignation, then is that minister presumed to be blameless upon the fundamental maxim of British jurisprudence, that every man is judged innocent until he is proved guilty. The Crown's refusal, therefore, to a retiring minister of the privilege of explaining the cause or causes of his withdrawal from the government, would be tantamount to a justification of him, and would be so received by Parliament, and if with such a permission, a minister should refuse to answer for his conduct, parliamentary judgement would go against him by default.

Why, then, it may be asked, cannot a minister state his case without the permission of the Crown? The answer, not only on account of the safety of the Crown, but in order that Parliament may form a judgement on the case, the nature of which is such from the facts involved in it being secret, that no witness can be admitted or produced on either side. Every case of ministerial resignation, when brought before Parliament, must therefore be, what in common courts of law is called “a case of facts”—that is, a case on the facts of which the litigant or differing parties admit—drawing them up and stating them in order by mutual consent—leaving the court to pronounce judgement in the case according to the facts thus mutually agreed upon.

When a minister resigns the official connexion which had existed between him and his Sovereign, it is dissolved by mutual consent, and the cause or causes of it to be stated by the same consent. As the Crown is not responsible, and as the minister is responsible, the latter must appear in the position or capacity of *defendant*, answering for his conduct in the shape of what is called explanation—that explanation consisting of facts agreed upon between his Sovereign and himself, and stated by him, under the sanction of his Sovereign—leaving the high court of Parliament to judge of his conduct according to facts thus stated.

These essential preliminary remarks bring us to the proceedings of Sir Charles Metcalfe's late Councillors in their parliamentary explanations of the causes of their resignation. That I may do them the fullest justice, and give them every possible advantage, I will examine the case on the broadest grounds—say nothing about the real or alleged difference about Responsible Government in a colony and in a sovereign state; but assume Sir Charles Metcalfe to be Sovereign of the British Empire, and Mr. Baldwin and Mr.

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Lafontaine to be Sir Robert Peel and the Duke of Wellington, and the Canadian Legislature to be the British Parliament. They are now British Ministers in a British Parliament—and their proceedings must be judged according to the law of British ministerial and parliamentary practice since the revolution of 1688. Judged by that law, I shall show that they have committed errors which involve not only the violation of the principles of Responsible Government, but, if successful, the political ruin of one of the noblest characters in the British Empire.

Did, then, our Canadian Sir Robert Peel and Duke of Wellington come before Parliament with what has been above defined to be a case or cases of facts, and with the royal permission to state those facts? If so, where is the *proof*? The answer is their assertion. But no man, or company of men, can be witnesses in their own case. Their assertion, therefore, is no *proof*; and the reiteration of it a million times leaves its assertion still—does not transmit it into proof. In all cases of dispute or difference, the plaintiff and defendant, whether they respectively consist of one or many individuals, are assumed to be on an equal footing. Their mutual statements are equal, and therefore balance each other—amount to nothing—are not taken into the account. It will be admitted that the Crown is at least equal to its advisers. Where then is the proof that they had the Crown's permission to make those allegations? Without enumerating particulars, I will notice, as an example, two of those *explanatory* allegations. The late Counsellors assert that the Crown holds views incompatible with the constitution, as established by the resolution of September, 1841, and that in its acts, it has deviated from that constitution, as thus established. The Crown protests against the sentiments and acts thus ascribed to it. Assuming then for the moment, contrary to all precedent, that the Crown, instead of being incapable of doing wrong, is capable of violating the established constitution, both theoretically and practically, and can be arraigned for it before a Canadian Legislature, where is the *proof* of its guilt? If a horse-thief or murderer is entitled to be adjudged innocent until he is proved guilty, is not the Crown entitled to at least an equal privilege? Would a jury convict an alleged thief or murderer upon the assertion of the *Crown*, who is the prosecutor in such cases? And is the Crown to be convicted upon the assertion of *its prosecutors*. And would the Crown give permission to accuse itself—and to accuse itself of opinions and acts against which it protests? And where is their permission to state those facts?

But this is only the commencement of what I have to say on this extraordinary business. To make the case more plain, and perfectly intelligible to every reader, I will select British precedent—the very last which has occurred in England, of a minister resigning on account of difference of opinion with his sovereign. I allude to the resignation of

Sir Robert Peel in 1839, (for Lord John Russell and his colleagues resigned in 1841 on account of their difference with a parliamentary majority, and not on account of any difference between them and their Sovereign.)

And here, to remove every obscurity from the question, I beg to make a preliminary remark on the mode of official communication between the Crown, and its servants, or between public officers and individuals. In all such cases—in all enlightened governments—no communication is considered official which is not in *writing*. Cabinet consultations, ordinarily, may be verbal, for the Cabinet is a body not known in law. It is with the acts of the Government, and not with the modes of intercourse among its members, that the Parliament has to do. And of those acts, written documents are the only legitimate proof. If the reader, for example, were to have even interviews with the Sovereign or his ministers, on any subject, all this would be only preparatory and preliminary to official correspondence and action. It would be necessary for him to commit the material parts of his verbal statements to writing, and get a written answer; and nothing more than what was written would ever be recognised as official or binding. If private conversations were admitted as official, endless misunderstandings and confusion would ensue. When Lord Ashburton came to America to negotiate on the boundary question, his Lordship and Mr. Webster had several day's private conversations, and learned each other's views, and agreed on every material point, before they even commenced their official correspondence on the subject. Their private conversations were for themselves alone; their written correspondence was for the public as well as themselves. The conversation of official men are often reported through the press, and are sometimes referred to in official correspondence; but they are of no authority any further than the parties to whom they are attributed choose to admit.

This mode of official intercourse is the dictate of prudence as well as usage, and especially in any matter which may by possibility become the subject of public discussion and official proceeding.

How then did Sir Robert Peel proceed on a similar occasion, only one more simple, and therefore requiring less precision and explicitness? He does not ask his Sovereign to come to any understanding with him as to whether she would in future make or "not make appointments prejudicial to his influence"—he leaves each case to stand upon its own merits and to be decided as it might occur; but he advises Her Majesty to remove certain ladies of her bedchamber. She declines, and asserts her right to retain them—a right which Sir Robert does not question.—He then respectfully declines accepting a seat in her Majesty's councils.

But does he stop there? No. British practice and common sense required him to do much more. He then reduced his verbal advice to writing, with the reasons for it, and

transmitted the whole to Her Majesty, so that she might examine and weigh every word and reason, and that there might be no misconception on any point, though the whole case was a very simple one. Then Her Majesty replies in writing, as follows:

"Buckingham Palace, May 10, 1839.

"The Queen having considered the proposal made to her yesterday by Sir Robert Peel, to remove the ladies of her bed-chamber, cannot consent to adopt a course which she conceives to be contrary to usage, and which is repugnant to her feelings."

Sir Robert Peel then applied in writing for permission to explain his conduct to Parliament. Lord Melbourne was commanded by Her Majesty to convey her compliance with Sir Robert's request. His Lordship wrote a note to Sir Robert to that effect. Here then was the whole negotiation between Her Majesty and Sir Robert Peel in writing—consisting of four papers—all of which were read in the parliamentary explanation, stating Sir Robert's proposal and the reasons for it on the one side, and Her Majesty's refusal and the two reasons for it on the other, and the permission of Her Majesty to have the whole laid before Parliament. And he it observed, that Sir Robert communicated his Sovereign's sentiments in *her own words*, by reading her own note. And after Sir Robert Peel had completed his explanation, Lord John Russell, who had been taken back into Her Majesty's Counsels, concluded his reply by saying, that he "had not the slightest ground to complain of the statement made by Sir Robert Peel."

Such then is the British practice of Responsible Government—a practice which the late Councillors have said was the *ultimatum* of their demand for Canada. Have they adhered to it? Have they respected it in any one particular? They had a long personal interview with His Excellency the Governor General on Friday, in which they stated their views and heard His Excellency's objections. They proposed another interview the following day, on the same subject. Now would it not have been not only according to British usage, but courteous and fair towards His Excellency for them, in the meantime, to have committed to paper their remonstrances and proposals, and transmitted them to him, so that he might not misunderstand any one of the various points at issue—that he might weigh them, and make up his judgment deliberately upon them? Apart from usage,—apart from his position as the representative of loyalty, was it giving His Excellency any more than fair play for them to have done so?

They then had a second long interview with His Excellency on Saturday, in which all the points of difference were again discussed at great length, and which concluded with a determination on their part to resign. Now, would it have been anything more than respectable, or decent, or fair, for them to have done on Saturday evening what they ought to have done on Friday evening—to have embodied in writing the substance of what they wished His Excellency to understand as

the representations and proposals which they had made in the long conversations which they had had with him, and on which they had desired his decision? But neglecting again to perform this act of courtesy and justice towards His Excellency on Saturday evening, ought they not, in common fairness, when they resolved to tender their resignations on Sunday, to have accompanied these resignations with a full and explicit statement of the grounds of them, and which they desired permission to state to Parliament? Why throughout the whole of this protracted and extraordinary ministerial negotiation, did they not furnish the crown with a single scratch of a pen, that would tangibly, and permanently, and truly, indicate their views and intentions? For such a proceeding they can plead neither British usage nor common justice—though party manœuvring may be pleaded for it, as I will hereafter prove.

Should it be alleged that they have had little or no experience of British practice and usage in such cases, I admit the plea. I admit that public men in Canada are entitled to indulgence in their mode of working the new system. I admit that the late Councillors appear to disadvantage when compared with Sir Charles Metcalfe, in affairs of Government;—that they have not, like him, been born and educated under the British system of Responsible Government;—that they have not, like him, mingled with British statesmen of all shades for nearly half a century; that they have not, like him, worked different systems of colonial government in both hemispheres; and that their acts are, therefore, entitled to an indulgent interpretation. But do they ask it? Will they allow it? Nay, they ask, they demand approbation: they claim support and reward. They even refuse to come before the country upon the merits of their *policy*—they claim *exclusive* identity with the *principle* of Responsible Government itself, the same as some parties claim *exclusive* identity with loyalty, and apostolicity; they declare that Responsible Government has been assailed and stabbed in their persons, and that that system lives or dies with their victory or defeat; for as Mr. Baldwin expressed it at a public dinner in Toronto, December 28, 1843, "he well knew that no victory could be obtained, on the present occasion, over himself and his late colleagues, as public men, that would not in effect, both by friends and enemies, be treated as a victory over the principle of Responsible Government itself."

Now, who can believe this? Who does not know that whatever persons may be in the councils of the Crown, the principle of Responsible Government must and will be acted upon? It requires but little reflection and foresight to perceive, that whatever passions Mr. Baldwin and his colleagues may lash into a tempest for a moment, the illusive and fabulous pretensions on which they have made war upon the Crown, in the person of Sir Charles Metcalfe, will and must issue in their

own conclusions. But of the consequences of this treatment hereafter.

As the stand upon the Government in every nation and step, if only so the late have fallen, ensuing a sor.

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cautious hundreds exasperated by them, as in
the dismal transactions of 1837 and 1838.—
But of the obvious and legitimate conse-
quences of the present proceedings, I will
treat hereafter.

As the late Councillors, then, take their
stand upon the British practice of Responsi-
ble Government, why have they disregarded
it in every preliminary step of their resigna-
tion and explanation? As one erroneous
step, if unretracted, leads to a course of error,
so the late Councillors, commencing wrong,
have fallen into a succession of errors, each
ensuing one more serious than its predeces-
sor.

I have shown that they provided not the
necessary materials; that they took not the
necessary measures to prepare a "case of
facts" for their explanation; that their mode
of proceeding was the reverse, in every re-
spect, of the proceeding of Sir Robert Peel in
a much more simple case of "antagonism,"
with his Sovereign. I will now proceed to
prove that their explanation was unauthorized
in every respect, and is also fraught with
dangerous consequences.

In the course of his explanation (Nov. 29.)
Mr. Baldwin stated in reply to Mr. Viger,
that "he had the permission of his Excellen-
cy to make the explanation which he offered
to the House, and if he had not, he should
have come down to the House and told them
that he had been refused, and called upon
them to construe everything in his favor and
nothing against him." That Mr. Baldwin
was sincere in making this assertion, I have
not a shadow of doubt. But the very liabili-
ty of his statement to be challenged (as it was
by Mr. Viger,) shows the culpable impro-
priety of his not having reduced to writing
the whole of the negotiation with his Excel-
lency. The present question, however, is
not what Mr. Baldwin thought, but what is
the fact?

Mr. Baldwin's verbal application, and the
Governor General's verbal reply, must of
course be intended, and ought to be inter-
preted, in the ministerial or official sense of
such communications—as preliminary to their
being committed to writing. That such was
his Excellency's understanding, is obvious
from the fact, that he directed the substance
of the intended explanation to be laid before
him in writing. Why did he require this, if
it were not that he might express his ap-
proval or disapproval of it? Upon any other
supposition, his Excellency might, with equal
propriety, have demanded beforehand the sub-
stance of any speech or speeches that Mr.
Baldwin and his colleagues intended to de-
liver on any subject. The written explana-
tion which they laid before his Excellency
was, of course, the intended "case or cases
of facts." Did his Excellency consent to it?
Nay, he more than prohibits it—to use his
own words, "the Governor General protests
against THE explanation which those gen-
tlemen propose to offer to Parliament," &c.
Now, Mr. Baldwin gave in his speech the

substance, almost verbatim, of the explana-
tion which he and his colleagues had laid be-
fore his Excellency. Mr. B. says he had been
authorised by his Excellency to make that
explanation; his Excellency protests against
that explanation; and according to Mr. Hincks,
his Excellency's protest had been received at
least an hour before Mr. Baldwin made ex-
planatory speech.

To make the case, if possible, more plain, I
will suppose that you, Mr. Reader, are a Go-
vernor of a Town, or City, or Province, and
that I come to you as the representative of a
portion of the people whom you govern, to
procure your assent to measures relating to
the roads, schools, or churches; that you do
not accede to any of the proposals or applica-
tions laid before you; that I request your per-
mission to explain to my constituents what
has taken place between us on these subjects;
that you say yes, but desire me to furnish you
in writing with the substance of what I in-
tend to state in explanation to my constitu-
ents; that I do so; that you, on reading it,
perceive that I have given a very different
version of several points from what you think
is correct; that I attribute sentiments and
acts to you which I declare to be inconsistent
with the rights and interests of my constitu-
ents; and that I omit what you conceive to
be the very grounds of dissent from several
requests made to you; that you forthwith
send me a written protest against my intend-
ed explanation, generally, and point out several
particulars which you think are essentially
inaccurate; yet I with your protest and
statement in my pocket, give that identical
explanation against which you protest to my
constituents and then inform them, in con-
clusion, that I have your authority for the ex-
planation which I had made—would you, Mr.
Reader, say that I had treated you justly?—
that my statement was authorized by you?—
that it was true? The exact parallel between
this imaginary case and the real case of the
Governor General and his late Councillors,
can be readily perceived by every reader.

I infer therefore that the explanation given
by the late Councillors, was, both technically
and morally, unauthorized, and was therefore
unparliamentary and unconstitutional.

The only proof that Mr. Baldwin has ever
appealed to that he had authority to make his
explanation, is this "protest" of his Excel-
lency. How far this proves his authority the
reader can judge. But in this reference Mr.
Baldwin blinks the real question, which is
not whether his Excellency intended that Mr.
B. should give an explanation, (this his Ex-
cellency desired as much as his late Coun-
cillors,) but whether he authorized the ex-
planation which Mr. Baldwin gave. Against
that his Excellency protests; and therefore
he could not have authorized it.

Mr. Hincks, in his reply to Mr. Viger's
pamphlet, argues in the following words and
in italics: "It is true that no disclosures can
be made without permission; but whenever a
difference arises between the head of the Go-
vernment and his ministers, parliament and

the public have a right to the fullest information. What is the object of making explanations at all? That the public may be able to judge whether the retiring ministry have acted right or wrong. They are the parties upon trial; and they have a right to expect permission to state everything necessary for their complete justification. It would be as unprecedented as it would be useless for the sovereign or his representative to limit the explanations of Ministers, because any attempt to do so would be invariably met, as Mr. Baldwin declared in the House he would have met it, viz., 'by a refusal to say one word until the required permission should be granted.'

Now, with this reasoning I entirely agree as far as it goes; but it omits the very points at issue. We are not enquiring what ought to be in the abstract, but what was the fact in the case? To prove what ought to be and what was, are two different things. It is with facts, not with expediency, that we have to do. This fallacy of shifting the ground argues badly for the cause in which it is employed. But there is still another fallacy in this attempt at reasoning—another shifting of the ground—another shirking of the question. It is not whether ministers ought "to state everything necessary for their complete justification;" but whether the Crown has not a voice in deciding that point as well as the retiring ministers? It is admitted by Mr. Hincks that ministers cannot explain at all without the permission of the Crown; can they then explain any more than they are permitted? Certainly not. Have not the late Councillors given explanations which have not only not been permitted, but against which the Crown has protested? I am not now enquiring whether they gave any explanations not necessary to their justification—that will be considered in another place; all such evasions of the question argue the untenableness of the proceeding of the late Councillors. I am now enquiring—Did the Crown consent to the explanation which they gave? The protest of the Crown is proof demonstrative that it did not; and a hundred columns of speeches, and as many evasions, cannot prove it otherwise.

When they found that the Crown dissented from their explanation, what was their duty? Undoubtedly to defer their explanation until the Crown and they should agree upon the facts to be explained. But suppose no such agreement could have been come to? I answer, in the first place, ministers should have tried whether such an agreement could not have been come to. Secondly, if the Crown and they could not have agreed upon the facts to be explained, they would have refused to explain; and the Parliament would have applied for the correspondence which had taken place between the Crown and its late advisers. Thus the whole affair would have been fairly brought before parliament. Thus the House of Commons, not satisfied with the statements made, applied to the Crown and obtained all the letters which had passed between the King and his Ministers,

the Earl of Oxford and Lord Chancellor Somers.

Had the late ministers furnished the Crown in writing, with their advice and negotiation (as did Sir Robert Peel) then there could not have been by any possibility a difference between the Crown and them as to the grounds of their resignation, and consequently no difference as to their intended explanation. This they carefully avoided doing. When they determined to resign, instead of preparing the "case of facts," they thought it "necessary for their complete justification," to give such a version of the affair as would tell best upon the parliament and the country; (how far it was correct I shall enquire in the sequel;) and they bring it before parliament, not with the sanction of the Crown, but in the face of the Governor General's solemn protest against its fairness and truth! such a proceeding cannot be paralleled in the history of Responsible Government throughout the world.

So much as to the facts of this proceeding. Now as to the principles and consequences involved.

Was it not a practical wresting from the Crown the sceptre of its prerogative, and the essential shield of its character, and safety?

If the late Councillors denied the Crown even a consenting to their "case of facts"—their parliamentary explanation—can they allege that they regarded its prerogative much in any thing else?

If they claimed to use the authority of the Crown as a "tool" to sanction a party as well as an *ex parte* explanation, can they prove that they did not seek to use it as a "tool" for the promotion of other party purposes?

If they practically asserted their right to do as they pleased in regard to their "explanation," regardless of the protest of the Crown, is it improbable that they asserted the right of equal discretion in regard to all other acts, whether the Crown consented or protested?

If they practically asserted the right to deal with the character of the Crown as they pleased—to attribute to it what sentiments or acts they pleased in the teeth of its own solemn protests—is it unlikely they sought to dispose of the *patronage* of the Crown? The greater includes the less—and who will not say that character is greater than patronage?

I state these questions not as facts but as legitimate inferences, and as subjects for serious reflection. The facts at which they point will be hereafter examined.

And what are the consequences involved in such a precedent and proceedings? Does it not remove from the Crown the only safeguard of its honor, and strip it of the last weapon for the defence of its character? Suppose the Governor to be the reader, and the reader to be one of an association of 7 or 8 employed in deliberation on public matters; that differences arose, and the reader stood alone; that a dissolution of their association followed; that the other 7 should draw up a statement for publication of those differences, and in it ascribe various execrable sentiments and acts to the reader, which he

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wholly disclaimed; yet they persist and publish, and reiterate. The reader might thus be beaten by numbers, and party exertions; but would such a proceeding be just before God, or before man? In that case an individual would be ruined; but in the present case, more than the life of a Governor—his character—is involved. If his confidential advisers can become his accusers—against his own solemn protests—then is the oath of secrecy a mockery, and the prerogative a bauble; then in point of fact (and no forms of phraseology can make it otherwise) is the Governor subordinate, and the Council supreme, and his character may at any time be made a foot ball for their gratification. He may come to Canada with a most sagacious reputation of fifty years growing brilliancy; and in twelve months, it may be, invested with the attributes of the worst Asiatic despot, and at length, assailed by his confidants, sink down pierced with more wounds than those under which Cæsar fell.

And what have we witnessed in Canada during the last few months, and what do we now see but a practical illustration of the truth of these remarks? The voluminous speeches of the "Toronto Reform Association," are so many witnesses of the melancholy reality which I have imagined.

Within the last few days, I have read an "Address to the people of Canada, by the Reform Association, adopted at a general meeting, held at Toronto, the 16th day of May, 1844," and said to have been written by one of the late Councillors. After reading this most calumnious address, I asked myself, if this address be true, what is the *real* character of Sir Charles Metcalfe—the man in all past life lauded more for sincerity, love of liberty, and justice, than any other Governor in the British Empire? If this address be true, the world has been deceived in Sir Charles; for he has, after all, proved to be an enemy to the British Constitution—a tyrant—a hypocrite—a deceiver—a liar—a more outrageous invader of Constitutional rights than Charles the First, and a more daring despot than James the Second—and were he a Sovereign, instead of a Governor, would forfeit his Crown, if not his head!

And whence the *authority* for these awful charges and denunciations? We answer, his Excellency's late confidential and constitutional advisers. And this address and the kindred speeches of members of the same Association, are the early results of disclosures which those advisers declared they made under the authority of the Governor-General! Disclosures against every part of which, affecting his own sentiments and conduct, he, with a martyr-like firmness and Aristidean integrity, most earnestly protests. And those disclosures, or rather, accusations, and these speeches, and this address, are the *first fruits* of their working of the system of Responsible Government—those who *claim* to be the *only* workers of it. What may not the *last fruits* be?

And this, too, in the face of the facts that

the British principle of Responsible Government requires the sanction of her one minister to render any act of the Crown valid; that the Resolutions of the House of Assembly of September, 1841, on Responsible Government have recognised no more than a *plurality* of advisers of the Crown, and not a Government of Heads of Departments; that Sir Charles Metcalfe has half as many advisers as British Sovereigns have had for the whole of the Empire; that those advisers are responsible for all his acts; that the late Councillors have declared so; yet the Sovereign is thus treated in the person of his Excellency! And why? The *advisers* of the Crown are too small a game—to *advise* the Crown is too small a prize. The *patronage* of the Crown is the *magnum bonum* sought. It cannot be obtained until the Crown is made a "tool." The Crown cannot be made a tool until it becomes powerless. It cannot become powerless until it is rendered hateful. Hence this address of the Toronto Association—sound in the assertion of general principles, but fallacious in its application of them, and false and abominable in the statement of facts, as I shall by and by show.

Now had the late Councillors adopted the fair and constitutional course either before or at the time of their resignation, this state of things could not have existed. Had they submitted their statements and recommendations to Sir Charles Metcalfe, in writing, no misunderstanding or discrepancy of representation could have occurred respecting them, and no misinterpretation in the explanation of ministers—no protest from the Governor-General against it.

But, then, their ulterior policy would have been defeated. What we have defined as "a case of facts," would have confined them to their own sentiments, and advices, and demands; and upon *them* the issue would have been taken. The prerogative of the Crown would have remained unquestioned and inviolate. They could not have impeached it as they pleased—they could not have turned attention from themselves to the Crown—they could not have done, as Diogenes Laertius said that Aristotle sometimes did, act the part of a cuttle-fish, which darkens the water around, that it may escape the danger—they could not have made Sir Charles the virtual defendant in the case, instead of themselves; they could not have transferred themselves from the *policy* to the *principle* of Responsible Government; they could not have omitted (as I shall prove in the next number by two of themselves, they did,) the cardinal point of difference between the Crown and them. Hence they avoided "the case of facts," as at that juncture, an inconvenient element of Responsible Government, and made out a case both for themselves and the Governor General, and affixed his authority to it, and put his case, as stated by himself, into their pocket—never hinted that such a thing was in existence, but claimed the privileges of the prerogative for the very impeachment of the Crown [itself, as well as for party

Government. The prerogative is in the hands of Sir Charles Metcalfe, was only fit to be put into their pockets; but the prerogative in their own hands must sanction, (to use Mr. Hincks's words) "*everything necessary for their complete junction*,"—whatever it might be, whether truth or not—whether impeachment of Sir Charles or praise of themselves; as advisers of the Crown, they were entitled to the whole of its patronage—not even Sir Charles himself had a right to a *crumb*, as he was no longer of *their party*!

Such is the source of these unprecedented proceedings; and such is the stream which has already issued from it—a stream which, if not turned into the legitimate channel of British responsibility, may undermine the very pillars of the throne and sweep away the best bulwarks of our constitution; and what is still more affecting to a human mind, overwhelm in its darkest waters of disgraceful obliquity, nay of perpetual infamy, the hard earned and hitherto unsullied reputation of one of the most upright, most generous, and most universally admired character in the British dominions.

A comparison of the present and former language of the late Counsellors towards Sir Charles Metcalfe affords a melancholy illustration of Tacitus' remarks—*Proprium humani ingenii est, odiosum quem lasseris*. (It belongs to human nature to hate the man whom you have injured.)

Thus much then on the single point relating to the *mode* of proceeding on the part of the late Counsellors in their resignation, and the consequences of it. I shall next examine the still more important subjects of their explanatory statements and omissions.

NUMBER III.

HAVING proved I trust to the satisfaction of the candid reader, that the proceedings of the late Counsellors, in their resignation, and against Sir Charles Metcalfe, were informal in every respect and unconstitutional in several respects; I now proceed to shew, that those gentlemen have failed to establish the allegations which they have made against his Excellency.

When I use the term "late Counsellors," I do not mean to include each of them individually. Several of them are known to have been reluctantly acquiescing parties in the proceedings of the leaders; the circumstances in which they were placed were perfectly novel; they had not examined British precedents; the whole complex affair transpired in less than three days, so that they had not time for cool, minute, thorough, independent examination; they felt themselves bound in party hands; they submitted themselves into the hands of their capitals, since the prerogation they have acted with the silent dignity of retired ministers of the Crown; they have neither been party organizers, nor political disorganizers; some of them, I believe, have viewed the steps into which a temporary pressure led them, with concern, if not with misgiving and regret, and would

be happy of an honorable and safe escape from their present dilemma. To such parties I do not refer; their assent was general; and their conduct since has been unexceptionable. I refer especially to those Counsellors who made allegations against the Governor-General in the Legislature; who have repeated them with sundry additions and exaggerations at public meetings.—To Messrs. Baldwin, Sullivan, and Hincks.

It may be also remarked that the retirement of the late Counsellors was expected to be of short duration—some of them intimated that they thought it would be only a few days.—Had such an expectation been realized, a feat would have been performed worthy of the days of chivalry—a resignation—a restoration—a victory over the Crown itself—and all this in less time than the 16 days required by Cicinatus to subdue the Æquid Volsci and re-establish the safety of Rome. However, the former only has as yet been accomplished.

The first anomaly that strikes the mind of an attentive observer of their proceedings is, the position in which they place themselves before the Legislature and the country. Their constitutional position is that of *defendants*; their *real* position is that of *plaintiffs*. They come before the jury of the Canadian public to answer for *their own* views and conduct; they answer, by arraigning the views and conduct of the Governor General! Now, a Canadian jury cannot constitutionally sit in judgement on the views and conduct of the Governor General; for the Resolutions of September 1841, declare, "that the head of the Executive Government of the Province, being within the limits of his government the representative of the Sovereign is *responsible to the Imperial authority alone*." No man can be justly arraigned before a tribunal to which he is not amenable. Cromwell had a shadow of constitutional pretension for arraigning Charles the first before even his Rump Parliament; but the late Counsellors have the Constitutional Resolutions of 1841, positively against their arraigning the views and conduct of the Governor General before any other tribunal than that of "the Imperial authority alone." Whatever therefore may be the intentions (with which I have nothing to do,) their proceeding involves a *direct* blow against a fundamental principle of the Resolutions of 1841, and an *indirect* blow against the colonial connection of Canada with Great Britain. If the Governor General can be arraigned before the Canadian Legislature for his views and conduct, he cannot be "responsible to the Imperial authority;" at all, for "no man can serve two masters." The very arraignment, therefore, of the views and conduct of the Governor General before the Colonial Legislature, *assumes* independence of the mother country. Nor is that all. It assumes the power of the Assembly over the Monarchy, and involves the destruction of Monarchical government itself. For, as De Lolme says—in the passage quoted in the preceding number—"the King himself can-

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not be arraigned before judges; because if there were any that could pass sentence upon him, it would be *they* and not *he* who must finally possess the Executive power." The arraignment of the views and conduct of the Governor General before the House of Assembly assumes that they are his "judges;" or in the words of De Lolme, that *they*, and not *he*, possess the Executive power." If, therefore, the late Counsellors did not desire to be supreme themselves, and make the Governor subordinate, their proceeding involves his subordination to the House of Assembly.

Such are the inferences which flow irresistibly from their anamolous proceeding. Such is the first anomaly it presents. Another is the nature of the defence. It consists, as the House of Assembly seems to have understood from the resolution introduced by Mr. Price, which was adopted in their behalf, of a charge against the Governor General that he had denied "their right to be consulted on what the House unhesitatingly avows to be the prerogative of the Crown—appointments to office." They place themselves before the House and the country, not upon their policy of government, (which Sir Charles declares to have been the point of difference,) but upon "their right to be consulted," which his Excellency denies to have been the question at issue, and of which he says to them in his reply to them that he "is astonished at finding that the resignation is now ascribed to an alleged difference of opinion on the theory of Responsible Government." They keep out of sight of the House the new policy of Government which they had been urging upon the Governor General, and claim its vote in their behalf, by alleging that his Excellency had invaded its rights. A new mode, indeed, for a defendant to claim an acquittal and even approval of a jury, upon the ground of a general charge against the plaintiff, supported by the evidence of the defendant's own assertion. Who would not prefer the position of the defendant, to that of the plaintiff, according to this mode of proceeding?

But what appears more anamolous still, is the nature of the charges which they prefer against his Excellency. They are general.—They contain no specifications which can be met. They throw upon his Excellency the onus of not only proving a negative, but of proving a general negative. Mr. Baldwin, in his "explanation," ascribes to the Governor General certain anti-Responsible Government doctrines and alleges against his Excellency certain anti-Responsible Government acts as proof that he held these doctrines: but Mr. Baldwin specifies no acts—not even the names of the parties to whom they refer. Assuming that his Excellency, instead of Mr. Baldwin, was on his trial before the House of Assembly, and that Mr. Baldwin was a legitimate witness in his own case, and that his Excellency was permitted to come to the bar and answer for himself, how could he disprove the charges against him when the specifications included in those general charges

were not stated? If the reader were arraigned as an infidel and a robber—an infidel not in the doctrine of Responsible Government, but in that of the Divine Government, and a robber, not of another's property, but what is more valuable, another's rights—the rights of many others; and suppose the only testimony against him was the assertion of his accuser; and suppose that nothing was stated either in the indictment or in the evidence as to the specific nature of his scepticism, or the time, place, or even parties in relation to which his robberies were alleged to have been committed; but that it was stated in general terms that he had committed robberies, and that on certain occasions he had expressed sceptical sentiments; how could the reader rebut such charges? How could he prove an *alibi*? How could he prove that the facts alleged as robberies, were legal transactions, and not wrongs against any man! All this he might do, were specifications on each count of the indictment stated. But according to the procedure supposed, he could no more save himself from condemnation, however innocent he might be, than the selected victim could escape the Inquisition. How then could the Governor General defend himself, or be defended, against the general charges alleged by Mr. Baldwin? He could only do as he has done, deny them in general terms, by declaring that he "subscribes entirely to the resolutions of 1841," and that he has never deviated from them.

And under such circumstances, how could the Court of Parliament decide against him? If a man can be arraigned and condemned on general charges, and on the evidence of his accuser's assertion, what man's character, or liberty, or even life, is safe? And is the high Court of Parliament to condemn the Governor General on an indictment which would not be entertained by any Magistrates' Quarter Sessions against the humblest individual in the land? The Resolution of the Assembly expressing "the deep regret felt by the House at the retirement of certain members of the Provincial Administration on the question of their right to be consulted on what the house unhesitatingly avows to be the prerogative of the Crown, appointments to office; and further, that their advocacy of this principle entitles them to the confidence of the House," involves most unequivocally, that his Excellency had invaded that "right" and denied this "principle," against his own most positive and solemn declaration—and repeated declarations—to the contrary.

Had Mr. Baldwin come down to the house with what I have heretofore shone he should have done, a "case of facts," and had any one or more of those facts involved the fact or facts on which the resolution of the House of Assembly was predicated, then upon that evidence—the mutually admitted statement of the differing parties—could the resolution have been fairly and justly adopted. But as it was, the house had before them nothing but the assertion of one of the differing parties against the assertion of the other; and

for them to have decided in favour of the one or the other upon such evidence, or rather such absence of all evidence, was as unprecedented as it was unjust, and was such a decision as no inferior Court in the land would have been disposed or dared to make.

It has been stated that one of the movers of the resolution in question, has said, that he saw the House wavering, and that he pressed it to a vote before the members had time to draw back. It is not surprising that a thorough "party man"—a man who prefers party to justice—should pursue such a course, and exult in its success. Nor is it surprising that the House was "wavering" under such circumstances; it would have been surprising had it been otherwise. As the case was a new one, and as the members of the Assembly could not possibly have acquainted themselves with the minute of British Parliamentary practice in such cases, it is not surprising that they were led on by party to adopt such a course. But it will be surprising if, after a calm review of the whole affair, and a minute investigation of all the facts of the question, they do not waver back to the position of doing justice between man and man—of doing to the Governor General as they would be done by in similar cases—of acting in harmony with the practice of British Responsible Government. It has been said, "to err is human, to forgive divine;" those members of the Assembly who have in this case done what is "human," are not asked to do what is "divine." No crime has been committed; no forgiveness is sought or needed. But they are asked—and I have no doubt but a just and honest country will ultimately require it to be done—to retrace what is "human" so far back to what is "divine" as to do justice to an upright, a generous, and an unjustly implicated man.

Pope has said, for a man to acknowledge his error is only to acknowledge that he is wiser to-day than he was yesterday. What is true of individuals is true of collections of individuals; and I am much mistaken if the members of the House of Assembly—after the lapse of so many days—will not be wiser next session than they were the last. I am also inclined to believe that several, if not all, of the late Counsellors—after their unexpectedly long retirement from the cares and perplexities of office—will be found more judicious, more experienced, better qualified, and more disposed to appreciate and adhere to the British principles and practice of Responsible Government, than they were last session.

But there is another anomaly still in this proceeding—another *prima facie* evidence that the late Counsellors have failed to establish the allegations which they have made against the Governor General. It is the perplexity—the cuttle-fish muddiness—in which they have involved the whole affair. Who in Canada, for weeks after their resignation, could comprehend their real differences with the Governor General? and not a few still unable to define them. The "Toronto Reform Association" has schooled its pupils to

lerably well into the mystery—at least so far as ringing the changes on certain words and phrases, and vociferous denunciations, evinces proficiency; but even with such a school of public instruction on the subject, many are unable to perceive anything more than confused and undefined images of East India nabobism and West India negroism—the staple eloquence of the Association. Now such obscurity—such confusion—is never witnessed in any question of defined and proved facts. The inference, therefore, is inevitable, that their facts were neither specific nor proved.

That such was the light in which they were viewed, not only by inexperienced Canadian minds, but by the most acute and experienced statesmen, is obvious from a recent letter written by the honble. Joseph Howe, of Nova Scotia, and published in several of the Canadian papers. Mr. Howe was reported to have said in one of his speeches in the Nova Scotia House of Assembly, that "the difficulties in Canada had arisen from a bungling administration." Mr. Howe, in a letter addressed to Mr. Hincks, and dated Halifax, April 29, 1844, explains as follows: "The conflicting statements put forth by the Governor General and his ex-Counsellors, rendered it difficult for some time to judge what the real points at issue were—the facts of the case, upon which alone an opinion could be formed, not being admitted on both sides. It was in reference to this contrariety of statement that I said in answer to some speaker who sought to show that the Canadian and Nova Scotia cases were strictly analogous, that the matter had been so 'bungled' in Canada, that it was difficult to say whether such an inference could be fairly drawn. This is all that was said or intended; and the observation was only meant to apply to the then involved state of the controversy, and used without any desire to charge blame upon either of the parties whose opposing statements rendered it difficult at the moment to form a correct decision, and most desirable to keep the simple fact upon which the retirements were based, free from any theoretical dispute about general principles which it did not necessarily involve."

Now, if the acute mind and practised eye of the father of Responsible Government in British North America, could only discover in the Canadian "case of facts," "conflicting statements,"—"opposing statements,"—"a matter so bungled"—"theoretical disputes about general principles," could even he have discovered any *proof* of the allegations against his Excellency? Yet upon this case of "conflicting statements," and a "matter so bungled," do the late Counsellors demand a verdict of the country against Sir Charles Metcalfe as an enemy of Responsible Government! Would the reader, as a juryman, convict a known pickpocket upon such "bungled" and "opposing statements?" much less the Representative of his Sovereign against his own declarations.

From the foregoing reasoning I infer, there-

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fore, that not only is the proceeding of the late Counsellors anomalous—as I have heretofore shown it was unconstitutional—but that upon every principle and legal and equitable practice, they have failed to establish their allegations against Sir Charles Metcalfe.

So much for their charges in general. Let us now examine them in detail. This is rather difficult, as they are so “bungled” together. I will, however, attempt to separate two or three from the mass. The first appears to be—as stated by Mr. Baldwin in his explanatory speech—“that his Excellency entertained a widely different view of the position, duties and responsibilities of the Executive Council, from that under which they accepted office”—that is the view expressed in the Resolutions of September, 1841.

Such is the first charge. Let us now examine its import, and the principle assumed and involved in the mode of its presentation. Mr. Baldwin does not condescend to inform the high court of Parliament to *what extent* Sir Charles’s “view” is different from that of the late Council: nor what meaning he attaches to the *relative* terms “widely different” as orthodox and heresy. And who is assured that Mr. Baldwin’s “views” of more than one question is not so squared and nicely adjusted that a hair’s breadth deviation from it is “widely different”—so “widely different” as to prevent co-operation at all? There are as many ideas attached to the terms “widely different” as there are different intellectual constitutions. Some religionists now-a-days regard a difference in the form of ecclesiastical polity to involve a “view” and a fact as “widely different” as that which exists between a church and no church; and who is it certain that Mr. Baldwin does not hold that the least deviation from his opinion constitutes the “wide difference” between Responsible Government and no Responsible Government? Then again, Mr. Baldwin does not inform the court in *what respects* Sir Charles is heretical in his view of the “position, duties and responsibilities of the Executive Council.” Suppose that the reader were arraigned before the *assizes* for holding a treasonable “view” of the doctrine of a subject’s allegiance, and in consequence inculcating treasonable doctrines and practices, and that Mr. Baldwin were Attorney General or Queen’s Counsel in the case; and that Mr. B. had stated in the first count of the indictment that the reader “entertained a widely different view of the position, duties and responsibilities” of a subject’s duty, from that which was involved in the oath of allegiance and required by the laws of the land; and suppose the Judge or the Jury, or both, were to ask the counsel for the Crown to *what extent* the prisoner at the bar had held and taught a view of civil duty different from that enjoined by the laws of the land? and that Mr. B. should reply, “My Lord and gentlemen, his view is *widely different*”—and the court were to rejoin, in *what respects* is it different? And the Crown Counsel were to reply again, “*widely different*, my Lord and

Gentlemen”—what would be thought of such an indictment? And what would be thought of such a Counsel for the Crown? And what would be thought of a verdict of *oultly* on such a charge? Yet such is the charge on which the verdict of the Province is demanded against the Representative of the Sovereign—a verdict which involves (to use the words of Captain Irving, for which he received the “loud cheers” of the Toronto Association, to whom he addressed them) “his Excellency’s retirement in dear old England *where tyrants have no power*. (Loud cheers.)

But what is the *principle* assumed and involved in this charge? It assumes and implies, that any view which Mr. Baldwin may please in general terms to declare “widely different” from his view of the “position, duties, and responsibilities of the Executive Council,” is to be adjudged heretical and unconstitutional. Although the real or full import of his proscriptive declaration may, like the secret doctrines of the Greek philosophers or Egyptian priests, be confined to his own bosom, or communicated to none but the initiated, I think the Canadian people are hardly prepared for such political vassalage as this, and that Mr. Baldwin is too modest a man to assume the prerogative of political Pope of Canada; and that after the due consideration, therefore, he will abandon his mode of dealing with the character and rights of the Representative of his Sovereign.

Had Mr. Baldwin confined himself to *facts*, “free (as Mr. Howe says) from any theoretical dispute about general principles,” he would have avoided this burlesque upon all constitutional legislation, and this great injustice against Sir Charles Metcalfe.

A second charge is, that “that difference of opinion has led not merely to appointments to office against their advice, but to appointments, and proposals to make appointments, of which they were not informed in any manner, until all opportunity of offering advice respecting them had passed by.” This charge, like the former, be it remembered, is only the assertion of one party, and denied in all its essentials by the other. In the first place, how could the late Counsellors know, and therefore with justice or reason state, that an alleged opinion of Sir Charles Metcalfe on the abstract theory of Responsible Government led him to make appointments against their advice? Mr. Baldwin says that “he had never asserted or held that the Governor General had not the right to appoint whom he pleased against that advice, and he appealed to the past for the correctness of what he now asserted.” Might not this admitted and undoubted right have been exercised by his Excellency from a simple judgment of the case involved, and not from any heretical opinion on the system of Responsible Government? They could not know it unless the Governor General had informed them. He denies the opinion attributed to him; he could not therefore have informed them of the fact embodied in their charge. Mr. Baldwin in his Toronto dinner speech, supposed that the Governor

General had a phrenologist to enable him to to judge of the qualifications of candidates for office. Perhaps the late Counsellors had something more than a phrenologist among them—perhaps there was among them a discernor of spirits, who could judge the heart as well as of the acts of the Governor General himself! Their charge is a groundless inference at best; is condemned by the counter assertion of the Governor General, and shows the desperate means they were driven to employ in order to implicate his Excellency.—How would the reader like to be judged and condemned on such evidence?

Then to notice the other parts of this charge. Why has it been charged against the Governor General again and again, that he made appointments *against* the advice of the late Council, when, as Mr. Baldwin asserts, it is his undoubted right to do so? The reason is obvious—to damage the Governor General as much as possible, right or wrong.

Again, another part of the charge is, that his Excellency made *offers* of appointments without the advice of the Council. Allow the truth of this, does it authorize their conclusion or charge that the Governor General has, therefore, violated the principle of Responsible Government? Are *offers* of appointments appointments? And is it not with the latter that the Parliament has to do? What has the Parliament to do with *offers* of appointments, any more than it has to do with the dinner or counsel hours of his Excellency and his advisers. It is with the acts of the Executive, and not *conversations* of any kind—be they *offers* or *refusals*, on the part of the Governor or his advisers—that Parliament is concerned. Who ever heard before of Parliament being called upon to determine the manner and the topics of conversations between the Sovereign and individuals? Will any deny that one or more of the Counsellors have talked with individuals about their appointment to office—have proposed it, have concerted it, have promised it as far as they were concerned; and all this before the Governor General had ever been spoken on the subject? And is not the prerogative of the Sovereign equal to that of *one of his advisers*? Or in this respect also are the Counsellors to be supreme and the Governor General subordinate? Such is the theory involved in their pretensions and charges. They can talk and bargain with individuals for their appointment to office; but if the Governor General makes even a verbal offer, he violates the constitution! And why would they deny the Crown a privilege which they exercise themselves, if it were not to make it a "tool"? I have heretofore shown that British Sovereigns have done more than make offers of appointments without consulting any minister; yet no one ever questioned the right, whatever he might think of the policy or the expediency of such a course. Offers of office, either by the Crown or its advisers involve, of course, the condition of a compliance with constitutional forms—in the former case, the instrumentality of

at least one responsible minister—in the latter, the sanction of the Crown.

But suppose, contrary to all precedent and to common sense, that Parliament could interfere with the conversations of the Sovereign with individuals, what, in parliamentary law, would be deemed an *offer* of office, and what would be regarded as *proof* of an offer of office having been made? Would a *private conversation* be deemed either an *official act*, or *official proof*? Is anything short of written correspondence deemed official in such cases? How utterly destitute then of the very shadow of proof, as well as propriety, is this charge of the late Counsellors against the Governor General?

Another item of it is, that his Excellency made appointments without giving his late advisers an opportunity of tendering their advice. This likewise, be it recollected, is the mere assertion of one of the parties against the denial of the other—unproved, therefore, and such as no judge would suffer even to go to a jury. But the charge is as vague, and therefore as senseless as it is proofless. They do not state what they mean by "*an opportunity of tendering their advice*,"—whether it should include ten days, ten hours or ten minutes—whether it should imply their meeting his Excellency in council, or meeting themselves in committee of council, or one of them advising with his Excellency, nor do they state *how many* appointments—*what kind* of appointments—*when* they are made—who were appointed; nay, the late advisers state not one single circumstance which would render it possible for man or angel to rebut their charges. How would the reader like to have his character and rights thus dealt with? I venture to say, that any court, or even election committee of the Assembly, would dismiss such a charge with costs, as frivolous and vexatious.

But there may have been important political reasons for this very vagueness, which, in the eye of reason and law, would vitiate the whole charge. It seemed to have been presumed that the House would not observe the irregularity and unfairness of the proceeding itself, although there might have been ground to apprehend that minute specification in regard to the charge would be too well understood by the House. For example, had it appeared that there was but a plurality of appointments made in the manner stated, out of the scores of appointments which had taken place; that one or more of them had transpired months before, without the Counsellors either leaving office or remonstrating with them; that the salary attached to each but little exceeded the sum which the Governor General has given in a single subscription out of his own private purse; the late advisers might have found it difficult, upon any one or more of these cases, to have justified their proceeding. They, therefore, kept them out of sight. Had the specification of them been favorable to their objects, we should doubtless have had them in detail. But the indefinite and imposing term, "APPOINT-

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MENTS," served the purpose of party better than the specification of cases, and the general and startling phrase "without an opportunity of tendering advice," would be more effective than an unsophisticated statement of facts. On the former, a *party vote* could be carried; on the latter only an honest verdict could be expected; and thus the character of the Governor General, no less than his prerogative, must be *secondary to party*.

I have not, however, done with this charge. I have shewn its indefiniteness, its unfairness, its injustice, its destitution of proof, its suspicious character; yet it has been the rallying cry and the watchword of the party that invented it. I will, therefore proceed to prove the impossibility of its truth. Mr. Hincks, in his pamphlet in reply to Mr. Viger, p. 13, says—"Every member of the late council was as well aware as the Governor can be that it is 'physically impossible to make formal references to the council of every matter that comes up for decision;' " (quoting Sir Charles' reply to the Gore District Council) nor did any of them desire that such a system should be practised. Every act of the Governor, however, must be communicated by his *Secretary*, and that Secretary, should be a *responsible minister*, thoroughly acquainted with the policy of the administration of which he is a member, and capable of advising the Governor on every subject not of sufficient importance to be referred to the council. If the Secretary recommends any step prejudicial to the administration, which, for his own sake he would not do, his colleagues of course hold him responsible to them."

Such then is the exposition of the practical working in detail of Responsible Government, by the party of the late Counsellors themselves. Now, can an appointment be officially made by the Governor General except through the Secretary of the Province—a member of the Legislature, a responsible adviser of the Crown? They know it cannot—any more than the Governor General can talk without a tongue, or see without eyes. The Provincial Secretary is the keeper of the *Provincial Seal*, with which every commission must be stamped—the same as the Lord Chancellor is the keeper of the Great Seal of State in England. The Secretary's office is the *medium* through which every official appointment must be made; and the Secretary is, (to use De Lolme's words) "the necessary instrument" by whom it must be made.

Now, suppose the Governor-General were to send an order to the Secretary directing him to affix the Provincial Seal to a commission for an appointment respecting which the Council had never been consulted, and on which they had no opportunity of tendering their advice, the Secretary would have four courses before him. He could not possibly disobey orders: but he could tender his own resignation, and request the Governor to appoint some other person to perform that act; or he could go to His Excellency and advise and remonstrate against it; or he

could affix the official seal to it forthwith, for which he would be responsible to his colleagues; or he could inform them, and they could either consent to it, or go in a body, or send one or more of their number to the Governor, and tender their advice against it. Taking, therefore, the extremest and least favorable view of the Governor-General's mode of making an appointment, it is *impossible* for him to do it without giving his Council an opportunity of tendering their advice according to the very working of the system of Responsible Government, as above explained by one of the late Counsellors. What is impossible cannot be true. Their charge, therefore, against the Governor-General—their great charge—their charge repeated ten thousand times—is shown to be not only undefined and unproved, but utterly groundless and false.

But it has been alleged by Mr. Hincks and others, that his Excellency has carried on correspondence with individuals in the Colony, even on public affairs, through his *Private Secretary*, and not through his responsible official Provincial Secretary. To give the adversaries every advantage they can ask, let this charge be admitted in its full extent; and will the *legitimate* conclusion from their charge be but a proof of what Sir Charles has complained of, that the late advisers made demands incompatible with the invincibility of the prerogative, and calculated to reduce it to the office of a party tool. Had not each of the late advisers a *private* as well as an *official* correspondence? Did they not carry on their private correspondence, either in their own handwriting or by means of a private secretary? Did not that private correspondence often relate to public affairs—to offices, colleges, &c? Did not that private correspondence sometimes contain declarations, or, in common parlance, pledges of what they would do in relation to particular appointments or measures, to the utmost of their power? Had they not a *right* to this private correspondence—and that on any subject, public or private, they choose to write about! They might exercise that right indiscreetly—as a man might eat and drink indiscreetly—but the *right* was there, and the exercise of it was a matter of their own concern, although it might sometimes prove inconvenient both to the writer and his colleagues. And has not the Governor-General a right equal to one of his advisers? Is he the only member of the Government who has no right to express his personal views and feelings on any subject? If any member of the Council can even pledge himself to a particular act or measure to the utmost of his power, cannot the Governor-General do the same—although the power of the latter, as well as the former, may be limited by constitutional restrictions? Can any Counsellor write to whom and through whom *he pleases*, without the sanction or knowledge of the Governor-General? and has his Excellency no right to correspond with any body on any matter relating to

the country, except through them? If so, then in this respect also, as well as in others that I have stated, they claim to be supreme, and make his Excellency subordinate.

And this is not all. They thereby deprive every man in Canada of all epistolary communication with the Governor-General, except through themselves. If even a stray letter should happen to find its way to the government house, without stopping for examination as to its orthodoxy, at the Secretary's office, it would have to go there for acknowledgment, and consequently for censorship. Here again their supremacy would appear, both over the Governor and over every man—and every man's business in the country. And this usurpation on the one hand and degradation on the other of every man in Canada as well as the Governor-General, is dignified with the absurd name of "Responsible Government," and vice-regal non-recognition of it is called an invasion of constitutional liberty!

Nor even is this all. The chairman of the Toronto Association, at a meeting held 25th March, exclaimed against persons not supporters of the administration having interviews with the Governor-General, and against any but the "leading members of the majority of the Legislature" advising with his Excellency; and concluded by declaring that "he maintained that no person had a right to be consulted by the Crown but the administration." It has been seen that the right of epistolary communication between the Governor-General and any inhabitants of Canada, except through the Counsellors, has been denied. The right of personal intercourse between them is now interdicted except through the same channel. Thus the Governor-General, like the Grand Lama of India, may be worshipped, but he must be approached by the permission of the priests who have him in custody, and give forth answers of their dictation; or, like an inmate of the Kingston Penitentiary, communication neither verbally nor by writing with any person, except by the permission and through the medium of his keepers. If this does not imply an oligarchy—and an oligarchy of the worst kind, over both the Crown and the people—I know not what an oligarchy means.

Mr. BLACK—an able and constitutional lawyer of Quebec, and representative of that city—argued in favor of the Governor's receiving the advice of the Council upon the same ground that a judge should hear both sides of a case. Mr. Black said that the Governor would receive abundant information from various quarters on one side of a case—especially one involving an appointment—his Council could give him the necessary information, on the other side. But the doctrine of the late Counsellors would preclude and prohibit his Excellency from receiving any information, either verbally or written, except what they might please to lay before him. He would thus of necessity, and there-

fore in fact, be a "tool" in the hands of his advisers.

But even all this does not reach the full demands of the Toronto Association statesmen. They require that the Governor-General shall consult his advisers only after a certain mode. The Chairman of that Association says, "He maintained that the mode of consultation ought to be, by the heads of departments going to the Governor, and saying what the country wanted, and what they recommended to be done. Not by the Governor going to the heads of departments, and telling them what he wanted to be done. (Loud cheers.) He (Mr. Boulton) had been a hundred times in Downing-street, during the reign of several Sovereigns, but he had never known an instance of a King going there and giving directions as to what he wanted done.—(Laughter.) No, the Minister goes to the Sovereign and says, I propose to appoint such a person to office, and then the question is, shall he be appointed by the Crown or not."

Now, I have also been in Downing-street during the reign of successive Sovereigns, and although I have never seen the Sovereign come there and give directions as to what he wanted to be done: I have known something still more shocking to the non-prerogative men of the Toronto Association. I have frequently known the King to send to Downing-street, and command heads of departments to go to the Palace, in order that he might tell them what he wanted. I once had an appointment to meet a head of department in Downing-street, and when I arrived at the appointed time, I was told that the King had commanded his Lordship down to Brighton—sixty miles from London! I recollect of hearing it as a public rumour in Kingston last autumn, that the Governor-General very seldom came down to the Council Chamber—in our Canadian Downing-street—but that the heads of departments were under the disagreeable necessity of going all the way to the Government House—upwards of a mile—whenever they wished to "tell him what they wanted to be done." But had the Governor-General commanded them to go sixty miles, to learn what he wanted them to do, what a death-blow would have been given to Responsible Government, and what an address would have come forth from the Toronto Association!

Why, Lord JOHN RUSSELL himself—the practical and profound statesman, the patriarch of civil liberty—is but a novice compared with these giant expositors of the Toronto Association—he is a more hopeless heretic in their political creed than Sir Charles Metcalfe himself. In the late debate on the state of Ireland, Lord John Russell referred to her Majesty and her instructions in the following words: "The Sovereign I have served—and a Sovereign more anxious for the benefit and happiness of the Irish people, it would be impossible to serve. Never did I RECEIVE, when I was in the office of Secretary of State for the Home

Department, THE SOVEREIGN'S equal regard for the Protestant, the Roman Catholic, the Jew, the Irishman." Here receiving advice as of giving it, and of receiving it in respect to the payment of all I

The truth is, that all parties, as regards the rights of the Sovereign, are in the hands of the Sovereign's political opponents. He must not "lead" of the Government House can send for of sixty miles go to a minister to a minister press a warrant but those who and the length be the interest. And this was Government's calf will not impeached a constitution back (to use Irving amid ciation,) "I land, where he will write that is ever in those who dishappiness of on the rights unfortunately Cheers.]

There are referred to in the lords, which was the next number the proposition ly, "That there are fully sustained by Messrs. Sullivan (Editor of the I will conclude my remarks. I have judged Metcalfe out given their own words, application, most obvious ples of true in and that can be unproved.

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Department, any INSTRUCTIONS FROM THE SOVEREIGN, but such as bespoke an equal regard for all her Irish subjects—for Protestant, for Catholic, and for Presbyterian." Here Lord John Russell speaks of receiving advice from his Sovereign—as well as of giving advice to her—nay, even of "receiving instructions from the Sovereign," and of receiving instructions not merely in respect to an appointment to office, but in respect to the principles and spirit of the government of all Ireland!

The truth is that in England, statesmen of all parties, and the entire nation, cherish some regard for the opinions and wishes and feelings of the Sovereign, and a universal determination to maintain unimpaired the safeguards of the throne. But while in England the Sovereign can even be the guest of the political opponents of the cabinet; in Canada he must not hear opinions from any but the "leaders of the majority," even at the Government House. In England, the Sovereign can send for a minister even at the distance of sixty miles; in Canada, he must not even go to a minister at his department. In England the Sovereign can even give instructions to a minister; in Canada he must not even express a want. Nay, he must know no wants but those which his advisers see fit to express, and the length and breath of their wants will be the interests of themselves and their party. And this we are told is British Responsible Government! And because Sir Charles Metcalfe will not bow down to this, he is to be impeached and ostracised as an enemy to the constitution and people of Canada, and driven back (to use the expressive words of Captain Irving amid the cheers of the Toronto Association,) "into retirement in dear old England, where tyrants have no power," and where *"he will writhe under the reproach and remorse that is ever inflicted by a secret monitor on all those who disregard, or wantonly sport with the happiness of their fellow creatures, or trample on the rights and liberties of those they were unfortunately doomed to govern."*—[Loud Cheer.]

There are several minor circumstances referred to in the statements of the late Counsellors, which will be noticed when I come, in the next number, to discuss the converse of the proposition discussed in this article, namely, "That the statements of his Excellency are fully sustained by the testimony of his accusers and adversaries—especially those of Messrs. Sullivan, Hinks, Boulton, and Brown (Editor of the *Globe* newspaper)."

I will conclude this number with three general remarks. The reader will have seen, that I have judged the accusers of Sir Charles Metcalfe out of their own mouths. I have given their statements and doctrines in their own words, and examined the import, truth, application, and tendency of them, upon the most obvious and universally received principles of true interpretation and sound evidence; and that on every ground they are shown to be unproved, unjust and unfounded.

The second remark is, that if the Govern-

or-General be placed under the confinement of all the bands and bolts and bars which the Toronto Associationists have forged and insisted upon fastening around him, it can no longer be boasted that no slave lives under the British flag—that the moment he plants his foot on British soil his manacles fall off, and he is a free man. Canada will be an exception. There will be at least one slave in Canada—and that slave will be the nominal Representative of the British Sovereign.

The last remark relates to the duty of members of the House of Assembly. I think it has been made apparent in this and the preceding number, that the whole proceedings of the late Counsellors, in their resignation and charges against the Governor-General were at utter variance with British practice, and that the proceeding of the house therefore was irregular and unprecedented. I submit therefore to every honest and patriotic member of the house, whether it is not his duty to employ his best endeavors to have this whole affair thoroughly investigated; whether a select committee ought not to be appointed to examine the precedents of British parliamentary practice in such cases; whether, if the mode of proceeding be found to have been unparliamentary and dangerous, what has been done ought not to be rescinded, and the late Counsellors be required to prepare "a care of facts" on which the house might safely and justly decide; or whether a select committee ought not to be appointed, with power to send for persons and papers, to inquire into the real causes and circumstances of the late ministerial resignations, and report thereon. The stability of the Throne, the privileges of parliament, the rights of the subject, the peace and welfare of the country, demand the most searching investigation of this whole affair. Justice and truth love the light of noon day; party dreads any other light than the blaze of its own organization. In a calm, determined, impartial legislative inquiry into this whole question, I doubt not but misunderstandings would be corrected, explanations given, and concessions made, which would eminently conduce to promote honorable reconciliations, establish "unity, peace, and concord;" and heal the wounds of our bleeding country.—Johnston has well said, "Discord begins in mutual frailty, and ought to end in mutual forbearance."

NUMBER IV.

The last proposition which I discussed was, "that the late Counsellors have failed to establish the allegations which they had made against His Excellency." The proposition to which I now invite the attention of the reader, is "that the statements of His Excellency are fully sustained by his accusers and adversaries—especially those of Messrs. Sullivan, Hinks, Boulton, and Brown, (Editor of the *Globe* newspaper)."

The very discussion of two such propositions is an anomaly in the history of Responsible Government. I know not of an

instance in the history of England, since the revolution of 1688, of the Crown and its advisers being at issue before the nation on a statement of facts. It is incompatible with the first principles of Responsible Government. The exhibition of such a scene in Canada should, therefore, speak with a thunder-like voice to the entire population, that something is radically and essentially wrong in the proceedings of the late Councillors—that whatever may have been the merits or demerits of their administration in other respects, they have in their proceedings with the Representative of the Sovereign, inflicted a more serious wound upon the character of the system of Responsible Government in a colony than has ever yet been experienced in the history of Canada—not even excepting the stopping of the supplies by the U. C. House of Assembly in 1836. And had not the conclusion, authorised by the unconstitutional proceedings of the late Councillors, been paralyzed by the British and constitutional mode in which Mr. Howe and two of his colleagues proceeded in their resignations in Nova Scotia, it is difficult to foretell what might have been the fate of the very system of Responsible Government itself in Canada. To place that unrivalled system upon a safe British foundation is one primary object with me in this discussion. To write for or against any party in the Province is alien to my feelings, as well as unworthy of my character.—I have never written for or against the appointment of any man or party to office. It is of no consequence to me what man or party is in power. All I have to do is with the fundamental principles and constitutional spirit of our government. And when those principles and that spirit are violated by any party, or even any Governor, I will not hesitate to do, as I have done throughout my public life, remonstrate against what is constitutionally wrong, politically dangerous, and morally unjust.

The anomaly to which I have referred has been strongly felt by the late Councillors.—Hence they have manifested no small degree of ingenuity and zeal to conceal and suppress it—to represent that the difference between the statement of the Governor General and their own was trivial—that the two statements harmonized in every essential particular.—And their own attestation on this ground to the "Protest" of Sir Charles Metcalfe, is my first proof of the correctness of his statements. Sir Charles Metcalfe denies the correctness of their statements; they acknowledge the correctness of his. The two parties do not assent to the statements of the late Councillors; the two parties do assent to the statements of the Governor General. His statements, therefore, are the only *real constitutional* "case of facts" before the country.—What I thus assert I will now prove.

Mr. Baldwin, in his speech before the Toronto Association, 25th March, uttered the following words, as given in the official report: "Again it has been said that there had been a discrepancy between the statements of

Mr. Lafontaine's note, and that of the Head of the Government; but a careful perusal of those documents will show, that no discrepancy exists as to the facts alleged in that note."

Mr. Hincks, in his reply to Mr. Viger's pamphlet, referring to the statements of the Governor General and his late Councillors, says—"there is no difference with regard to facts;" and adds afterwards—"there is an *apparent*, although no real difference between the Governor General and the late Ministry with regard to the "stipulation" which never could have existed had there been a responsible minister in Parliament during the discussion, as was fully expected when the explanations were made. *As to other points there is no dispute.*"

These admissions of Messrs. Baldwin and Hincks, are proof demonstrative of the correctness of Sir Charles Metcalfe's statement of FACTS. Indeed, Mr. Hincks admits that there is no *real* difference between Sir Chas. Metcalfe and his late Councillors as to the "stipulation" which has been so lustily denied by the Toronto Associationists and their organs; and that "as to the other points there is no dispute."

Messrs. Baldwin and Hinks' alleged *harmony* between the statement of facts by the Governor General and his late advisers is not the question now under consideration.—Of that every reader can judge who has perused the preceding (third) number of my present argument. In their statement of facts, they made several allegations against the Governor General which I have shewn were not only denied by his Excellency, but were unproved and unfounded. They now tell us very gravely that there was no difference between their facts and those of Sir C. Metcalfe! It is thus that they not only contradict themselves, but become the unintentional and conclusive witnesses of the integrity of his Excellency's FACTS.

Their very attempt to claim company with his Excellency in their statement of facts, is not only a refutation of their charges against him—not only a testimony to his statement of facts—but argues their own conviction of the fatal consequences to the *constitutionality* of their whole explanatory proceedings, did any discrepancy exist between their facts and those of the Governor General. The existence of that discrepancy I have shown in a variety of particulars—and those particulars, too, of fundamental importance. The late Councillors, therefore, stand condemned, themselves being judges.

Both Messrs. Baldwin and Hincks have attempted to make a distinction between the "facts alleged" in the statements of Sir C. Metcalfe and his late advisers and their respective *views* and *explanations* and *arguments*. Mr. Baldwin says—"There is indeed much difference in the views of the respective parties, but that was what led to the disruption—the Head of the Government protesting against 'the explanation,' not against the existence of any fact stated by Mr.

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Lafontaine—we also protest against His Excellency's explanation." Mr. Hincks says, that the answer of his Excellency to the ex-Councillors, "is not a protest against explanations being made, but against the arguments made use of by Mr. Lafontaine and his colleagues."

Now, I would ask any man of common sense—nay, any boy that can read English—what the "explanations" and "arguments" of the late advisers consisted of but a *statement of facts*; and what a "protest" against that "explanation" and those "arguments" was, but a denial of that statement of facts? The late advisers have asserted long and loud, that they resigned upon certain facts, and yet they tell us that a protest against their explanation, is not a protest against any fact stated by them! From the sense in which Mr. Hincks appears to use the word "arguments," we are left to infer that the explanation of the late advisers consisted in a string of syllogisms (curious materials for the explanation of facts!), and that Sir Charles Metcalfe protested against the materials employed in the explanation, but not against an explanation being made. It is by such solecisms—they do not rise to the rank of sophisms—that the accusers of Sir Charles attempt to enlist the public against him.

Mr. Baldwin says, the "difference in the views of the respective parties led to the disruption." No one doubts this. Of course no disruption would have taken place had no difference of views existed. But that is not the question. The three-fold question is, first, what statement of views did his Excellency consent that his late advisers should make? I have shewn in the second number of these articles, that he did not authorise them to make the statement which they made, and that their doing so without such authority is fraught with dangerous consequences. The second question is, what their statement of allegation proved? I have shewn in the third number, that it was neither proved, nor true. The third question is, is his Excellency's statement correct? I have adduced Messrs. Baldwin and Hincks as witnesses to the unexceptionable accuracy of facts.

Were I addressing the jury of twelve men in a court of justice, I might confidently rest the whole case here; but addressing, as I am, the jury of the country through the press, I will proceed further, and notice Sir Charles Metcalfe's statements in detail, as I have those of his late advisers. His Excellency's general statement is contained in the following words:—

"The Governor General protests against the explanation which those gentlemen propose to offer to Parliament, as omitting entirely the actual and prominent circumstances which led to their resignation, and as conveying to Parliament a misapprehension of his sentiments and intentions which have no foundation in any part of his conduct, unless his refusal to make a virtual surrender of the Prerogative of the Crown to the Coun-

cil for party purposes, and his anxiety to do justice to those who were injured by the arrangements attending the Union, can be regarded as warranting such a representation, and which is calculated to injure him without just cause, in the opinion of the Parliament and people, on whose confidence he places his sole reliance for the successful administration of the Government."

I have already examined the late advisers' representation of his Excellency's "sentiments and intentions" in several respects. His Excellency's statement that they had "omitted the actual and prominent circumstances which led to their resignation," has never, as far as I have read their speeches and writings, been denied by any one of them. On this most important point they have been profoundly silent; and well they might be, as will soon appear.

Let us now consider "the actual and prominent circumstances which led to their resignation," as stated by the Governor General. His Excellency says—"On Friday, Mr. Lafontaine and Mr. Baldwin came to the Government House, and after some other matters of business, and some preliminary remarks as to the course of their proceeding, demanded of the Governor General that he should agree to make no appointment, and no offer of an appointment without previously taking the advice of the council; that the list of candidates should in every instance be laid before the Council; that they should recommend any others at discretion; and that the Governor General in deciding, after taking their advice, should not make any appointment prejudicial to their influence." This demand, as a whole, the Governor General interpreted as implying "that the patronage of the Crown should be surrendered to the Council for the purchase of parliamentary support." To this demand, "The Governor General replied, that he would not take any such stipulation, and could not degrade the character of his office, nor violate his duty, by such a surrender of the prerogative of the Crown." His Excellency's facts are admitted by Messrs. Baldwin and Hincks—though they do not like his interpretation of those facts, namely, that they involve "the surrender of the patronage of the Crown to the Council for the purchase of parliamentary support? But how many of those facts did the late Councillors state in their parliamentary "explanations"? They stated only one, and omitted the others, which his Excellency declares were "the circumstances which led to their resignation," that they stated but one of these facts in their explanation, is clear not only from an examination of it, but from the resolution of the House of Assembly founded upon it, which expressed "the deep regret felt by this House at the retirement of certain members of the Provincial Administration, on the question of their right to be consulted on what this House unhesitatingly avows to be the prerogative of the Crown—appointments to office, and further to assure his Excellency that their advice

any of this principle entitles them to the confidence of this House, being in strict accordance with the principles embraced in the Resolutions adopted by this House on the 3rd September, 1841.

It will thus be seen that the late advisers presented their claim to the confidence of the House, not upon the recommendations which they had made of certain persons to office, but upon the "question of their right to be consulted," not upon their advocacy of a certain kind or line of policy, but upon their alleged advocacy of a certain principle, which His Excellency (the other party in the "case of facts") avers was never a subject of dispute.

Now, before examining minutely the several facts embraced in His Excellency's statement, I must make a remark or two on the fallacy of the kind of omissions which the Governor-General alleges against the explanations of his late advisers. A good writer on historical investigation remarks, that "a statement of facts is fallacious when any of the alleged facts are not true—when it includes facts not relating to the subject—and when important facts are omitted. This last error is more frequently exemplified in those cases in which facts are collected on one side of a question, or in support of a particular doctrine. To the same class we may likewise add those instances in which statements are received as facts, which are not facts, but opinions."

Into every one of these four kinds of fallacies have the late Councillors fallen in their "explanation." They drag in certain alleged "opinions" of the Governor-General, which he denies, and which, did they exist, have no more to do with the working of the system of Responsible Government than the color of his Excellency's hair. The system of Responsible Government requires that every appointment to office should be made through a responsible minister. While there is a responsible minister who keeps the seal of state—while every commission must be stamped by that seal, and consequently endorsed by this minister—there is Responsible Government, whatever may be the opinions of the Sovereign or Governor as to its excellence or folly. The system of Responsible Government is no more depending upon the opinion or will of the Sovereign than it is upon the light of the moon, or the opinion of any other individual in the realm. Sir F. Head denied that any other individual but himself was responsible for any act of his government, and affirmed that he was responsible to the Imperial authority alone. Here was the denial of local Responsible Government. Sir Charles Metcalfe affirms throughout that his advisers are responsible to the representatives of the people of Canada for every act of his government relating to the internal affairs of the Province, and that those advisers should possess the confidence of Parliament. Here is the essence of Responsible Government, whatever may be the Governor-General's or any other man's opinion as to its virtues or vices. In this lug-

ging in certain alleged opinions of the Governor-General (but disclaimed by him) in a professed statement of facts relative to their own proceedings, and in making irrelevant statements about those opinions, "public rumors" &c., the late Councillors fell into the second and fourth of the above mentioned fallacies. In resting their case upon a statement denied by the other party, and therefore unsupported as a fact by any evidence, they are guilty of the first mentioned fallacy. In "omitting important facts," they are chargeable with the third kind of fallacy. To the two last mentioned fallacies I now invite the reader's attention.

I have heretofore proved, that it was impossible for the Governor-General to make appointments in violation of the principle of Responsible Government, as long as he had a Responsible Provincial Secretary, and as long as that Secretary was the keeper of the Public Seal of the Province. I have also adduced His Excellency's denial that he had ever deviated from that principle; and now, (considering each part of his statement separately,) in reference to that particular of his statement in which he says, that the late Councillors "demanded of the Governor-General, that he should agree to make no appointment, and no offer of appointment, without previously taking the advice." "The Governor-General replied that he would make no such stipulation." They allege to the House of Assembly, that the Governor-General has denied them the right of consultation; and the house, on that statement, (denied, be it remembered, by His Excellency,) adopts a resolution of confidence in them, "on the question of their right to be consulted on appointments to office." This is their whole case. Let the fallaciousness of it now be exposed—the statements of His Excellency established, and his conduct justified.

In the first place, their demands exceed what is required in the practice of Responsible Government. They demand that no step shall be taken in regard to an appointment, without His Excellency agreeing first to consult his "Council," whereas, Responsible Government, (according to the interpretation of Mr. Hincks, which I quoted in the last number, and according to other authorities, which I shall give in another place,) requires, that he shall consult a *Responsible Minister*.

In the second place, they demanded what no Ministers, or Minister, of the Crown have ever demanded of the Sovereign since the establishment of Responsible Government in England, in 1688. They cannot adduce an instance of a Minister ever having asked the Sovereign to give such a pledge or assurance as they demanded of the Governor-General. Indeed, in all their statements and speeches, and declamation on this subject, they have not, to my knowledge, adduced a single precedent in justification of such a procedure.—They assert many things, but they prove nothing.

In the third place, their demand implied the confession of what the Governor-General do-

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Mr. Reader, that you were living on terms of
friendly and confidential intercourse with a
neighbour, and had been so living for a long
time; and that that neighbour should come
to you, and ask you to enter into an agreement
or explicit understanding with him, that you
would neither slander nor defraud him; what
would you think of his proposal or demand?
Would you accede to it? or would you tell him
that if your past conduct did not afford him
sufficient assurance of your integrity and hon-
esty, you had no security to give: and be-
cause you would not agree to such an insult-
ing and degrading proposal, would he be jus-
tified in representing you as a calumniator
and a rogue? So, the late Councillors go to
the Governor General and making a demand
or proposal that he would agree to what he
declares "he has hitherto pursued without
deviation," and because he refuses to comply
with their demand or proposal, they represent
him as adverse to the system of Responsible
Government, and ask a vote of the house and
of the country to support them for such "ad-
vocacy of that principle."

But, let the reader take a well-known fact,
instead of a supposition, as an illustration.—
There is, perhaps, not an old resident in Can-
ada who does not well remember the celebra-
ted ALIEN BILL—a bill which required all per-
sons who had settled in Canada since 1783, to
take the oath of allegiance with twelve
months, on pain of forfeiting their privileges
as British subjects. What was the people's
interpretation of the demand or proposal con-
tained in that bill? Would they accede to it?
They were told that no good subject would
object to taking the oath of allegiance to his
Sovereign as often as it might be required—
that it was necessary on several accounts.—
Did they believe such reasoning? Did they
not declare, with an ardour and an enthusias-
tic determination which defies description,
that they would never take an oath which im-
plied that they were all aliens to a govern-
ment to which they had already sworn and
long professed allegiance—that they would
never submit to such a degradation of their
character and rights? Did they not make
their voice heard across the Atlantic, to the
disallowance of the bill? And is Sir Charles
Metcalfe to be denounced or honored for act-
ing upon the same principle? He is called
upon to express, in a peculiar and unprece-
dented form, his allegiance to a system which
he avows he "has hitherto pursued without
deviation, and to which it is fully his intention
to adhere;" and his refusal thus to degrade
his character and office, is interpreted as prac-
tical hostility to that system of Government.
How did the opponents of the alien bill like such
an interpretation of their refusal to comply
with the "stipulations" of that measure? It
is by such a fallacy and such a proceeding
that the late Councillors have sought to per-
suade the people of Canada that the Governor
General is an enemy of the established system
of Canadian Government, and that they are

its patriotic defenders! Whereas, in resist-
ing such a causeless and unprecedented de-
mand, he consulted what is due to the charac-
ter and rights of the Sovereign, as much as did
those who resisted the causeless and unpre-
cedented demand involved in the Alien Bill
consult what was due to the character and
rights of the subject.

Then as to the "actual and prominent cir-
cumstances which led to their resignation,"
which His Excellency says his late advisers
had entirely omitted. He says, they demand-
ed "that the lists of candidates should, in
every instance, be laid before the Council."
They say nothing about this demand in their
explanation. Did they make it? Mr. Hincks
in his reply to Mr. Viger's pamphlet, confess-
es that they did make this demand. He says
"The reference to the list of candidates was
called for. The object was that these lists
should be deposited with the responsible Se-
cretary of the Province, and not with the Pri-
vate Secretary to the Governor." Is there
anything in the resolutions of September,
1841, which authorizes such a demand? Can
a precedent for it be found in British history?
Is the name of any individual the rightful pro-
perty of the Council, unless that individual
chose to make it so? Is the Governor-Gen-
eral any more than any other man of honour,
at liberty to make use of the name and com-
munications of an individual, to any greater
extent than may be authorised by that indi-
vidual? And may not many an individual, for
many reasons, not wish to have his name
brought under the notice of the Council at all
except by the sanction of the Governor-Gen-
eral? May not many individual desire that
his name may not be brought before the Coun-
cil, or under the notice of the Governor, un-
less recommended by a certain Councillor, to
whom he may address a private and confiden-
tial communication? Whatever may be said
of the convenience of such a practice, it is not
a *sine qua non* in Responsible Government;
and that such a demand could not be acceded
to without the sacrifice of individual rights a-
part from any considerations of Prerogative.
Here is a demand which, beyond doubt,
"called upon the Head of the Government to
enter into a stipulation as to the terms upon
which a provincial ministry may deem it pru-
dent either to accept or continue in office"—
a demand which the House disclaimed in a
negative form, in the words just quoted. This
demand also pointed to the assumption on
which I dwelt in the preceding number, that
the late Councillors wished to cut off all the
communication between the Governor-Gen-
eral and any individual in the Province except
through themselves; thus making the Crown
a "tool," and infringing on individual rights.
As the statement of such a demand did not an-
swer their purpose, they omitted it in their
"explanation."

Again His Excellency says that "He ap-
pealed to the number of appointments made
by him on the recommendation of the Council,
or the members of it in their departmental ca-
pacity, and to instances in which he had ab-

stained from referring appointments on their opponents, as furnishing proofs of the consideration which he had evinced towards the Council in the distribution of the Crown."—Here the Governor General states several important facts. Messrs. Baldwin and Hincks admit his statements of facts. Yet not one of these facts is even alluded to in their "explanation." No; such facts were rather inconvenient, as well as stubborn things, in their explanation. They did not therefore, consider them (to use Mr. Hincks' words) "necessary for their complete justification." From these facts it appears:—1st. That the principle on which the patronage of the Crown ought to be distributed, was a prominent topic of discussion between His Excellency and his late Advisers; whether it should be confined to one party, (the old exclusive councillors,) or whether, as Mr. Howe, of Nova Scotia, declares good, without reference to party." But this vitally important question—the very essence of the first "antagonism" between the Governor General and his late Councillors, as I shall hereafter prove out of their own mouths—this question, on which they now dwell with the strongest emphasis—the question so largely debated between the Governor General and them—they did not even mention it in their explanation—they kept it entirely out—it was not necessary for their complete justification"—it might have caused their complete condemnation. 2d. It also appears from His Excellency's statement, that he had evinced the utmost regard to their recommendations of the council in making, and in abstaining from making appointments; the instances in which his own judgment compelled him to dissent from their advice appear to have been "few and far between;"—yet all this did not satisfy the demands of party ambition, so long as a Mordecai, not paying the desired homage, could now and then find admittance to some subordinate clerkship—the whole hated race of opponents and rivals must be excoriated from all hope of a morsel at the hands of the Executive, not only by the constitutional checks of advice and resignation, but by the unconstitutional bondage of the throne, in the form of a "stipulation" or understanding, that the influence of one party (and that party being judge) should be the rule of Royal action,—thus pulling from its head the crown of its own free agency, and then told that it might exercise a discretion, within, of course, the limits of its own enslaving engagement to the contrary, as I shall hereafter demonstrate. But these facts not being "necessary for the complete justification" of the late Councillors, although essential to a "case of facts," were altogether omitted by them in their explanation. 3rd.—Lastly, it is clear from His Excellency's admitted statement of facts, that there were two methods of making appointments to office—that these two methods were pursued with the concurrence of the late councillors, the one "on occasions of adequate importance," by the recommendation of the council—and the other, not "on occasions of adequate im-

portance," by the recommendation of individual members of the council, in their departmental capacity;" a distinction which was made by Sir Charles Metcalfe, in his reply to the address of the Gore District Council—a distinction which has ever since been the opposition watchword of the Toronto Association party—yet a distinction on which the late Councillors themselves acted.

His Excellency states, likewise, the following facts:—"He at the same time objected, as he always had done, to the exclusive distribution of patronage with party views, and maintained the principle, that office ought, in every instance, to be given to the man best qualified to render efficient services to the State; and where there was no such pre-eminence, asserted his right to exercise his discretion." These facts be it remembered are admitted by Messrs. Baldwin and Hincks. Let the reader consider their import. They plainly imply that "the exclusive distribution of patronage with party views" had been demanded;" for His Excellency "objected" to it—which he could not have done, had there been no demand. Of this demand, also, the late Advisers, in their explanations, gave the House no information. This statement, likewise, as one already quoted, clearly shows that the principle on which the patronage of the Crown should be distributed, was a leading, if not the leading topic of discussion between the Governor-General and his late Councillors,—on which they observed a death-like silence in their explanation, speaking only of their right of consultation which the Governor-General says he never denied.

His Excellency states furthermore, that "Three or more distinct propositions were made to him, over and over again, sometimes in different terms, but always aiming at the same purpose, which, in his opinion, if accomplished, would have been a virtual surrender into the hands of the Council of the prerogative of the Crown." This is another fact admitted by Messrs. Baldwin and Hincks, but of which nothing was said in the explanation. Mr. Hincks in his reply to Mr. Viger, quoted this paragraph, and founds on it the following singular conclusion: "Nothing can more clearly show that the ministers were not very tenacious about the adoption of their own suggestions." It appears from these words of Mr. Hincks, that the late advisers had the amazing liberality to propose three distinct propositions, and even in different terms, provided they could accomplish the self-same purpose of obtaining "a virtual surrender into the hands of the Council of the prerogative of the Crown."

I next solicit the reader's attention to the facts contained in the following paragraph of the Governor General's answer to his late Councillors: "In the course of the conversations, which both on Friday and Saturday followed the explicit demand by the Council regarding the patronage of the Crown, that demand being based on the construction put by some of the gentlemen on the meaning of Responsible Government, different opinions were

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opinion is known every where to prevail ; but
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sations, protested against its being supposed
that he is practically adverse to the working
of the system of Responsible Government
which has been here established, which he has
hitherto pursued without deviation, and to
which it is fully his intention to adhere.”

I beg the reader to mark distinctly the facts
stated in the paragraph thus quoted—facts,
be it recollected, which have been admitted
by Messrs. Baldwin and Hincks. The first
fact referred to by the Governor General for
the third time (and which he says in another
place “became the principle topic of dis-
cussion” on Saturday,) is “the explicit de-
mand made by the Council regarding the pa-
tronage of the Crown.” The second fact is,
that that demand was “based on the construc-
tion put by some of the gentlemen on the
meaning of *Responsible Government*.” I
shall hereafter show, that in this first mention-
ed fact is involved all the mystery which for
a long time hung, and to some extent still
hangs, over the questions at issue between the
Governor General and his late Councillors.
Partly from a “pressure from without,” ex-
plained in Mr. Parke’s letter to one of his
constituents, and partly from other conjectur-
al causes, they have introduced a new element
into the system of Responsible Government
—an element which I will prove they did not
pretend twelve months ago formed any part
or parcel of it—an element which invests it
with all the danger which its opponents have
always ascribed to it—an element which
clothes it with the character of old high party
exclusion and domination, instead of the attri-
bute of (to use Lord Durham’s words) “equal
and impartial justice to all classes of her Ma-
jesty’s subjects”—an element against the in-
troduction and surges of which Sir Charles
Metcalfe has set his face with the firmness of
the wave-beaten rocks of his native Isle, while
he retains all that was ever acknowledged by
Sir Charles Bagot, all that was contemplated
in the resolutions of September, 1841, or that
is compatible with the safety of the Crown in
England, of its supremacy in Canada—an ele-
ment which plucks from the Crown its prero-
gative of patronage without its own consent ;
which makes it a “tool” instead of an empire
—an instrument instead of an agent—a slave
instead of a Sovereign. Before I shall have
completed the present discussion, I purpose
to make the all important fact here alleged, as
plain and unquestionable as that two and two
make four. It will then be seen that it was
this new element, and not Responsible Go-
vernment proper which formed the point of
“antagonism” between Sir Charles Metcalfe
and his late advisers—the new wheel in the
old and long worked machinery.

It is not surprising, therefore, when an un-
heard of “demand, based by some of the gen-
tlemen on the meaning of Responsible Go-
vernment,” was made, that the Governor-

General should speak of “the abstract theory
of that still undefined question, as applicable to
a colony”—a remark which though guarded
by His Excellency in a way that cannot by
any decent criticism be tortured into a suspi-
cion that “he is practically adverse to the
working of the system of Responsible Govern-
ment which has been here established, which
he has hitherto pursued without deviation,
and to which it is fully his intention to ad-
here”—has nevertheless been seized upon by
the speechifying portion of the late advisers
and the Toronto Associationists, and interwo-
ven with the entire texture of their “still un-
defined” vocabulary—though Mr. WILLIAM
HUME BLAKE, Professor of Law, and cham-
pion of the Toronto Association, declared in
memorable Warren Hastings’ speech, that Re-
sponsible Government itself is not only an
undefined, but an undefinable question. Yet
the unqualified declaration of Mr. Blake is
perfect orthodoxy, because he is of the party ;
but the qualified remark of Sir Charles Met-
calfe, made in a particular connexion and in
reference to a peculiar interpretation, is abso-
lute heresy, because he is not of the party !—
Such is the spirit of party—a creature too
multitudinous in its members to admit of the
moral influence of individual responsibility,
and too heterogenous in its materials to war-
rant the hope of consistency.

Such then are the facts of Sir Charles
Metcalfe’s statement, which are admitted by
Messrs. Baldwin and Hincks, and denied by
none of their colleagues. I will now examine
the most important, and the only disputed
fact alleged by His Excellency. He says that
the late Councillors “demanded that the Go-
vernor-General should agree that in deciding,
after taking their advice, he would not make
any appointment prejudicial to their influence.”
The Governor-General considered this as
equivalent to agreeing “that the patronage
of the Crown should be surrendered to the Coun-
cil for the purchase of parliamentary support,”
and replied, “that he would not make any such
stipulation, and could not degrade the charac-
ter of his office, nor violate his duty by such a
surrender of the prerogative of the Crown.”

It should be remarked that Sir Charles Met-
calfe does not call this demand a “stipulation”
in the legal, or if you please parliamentary
sense of that term, but in a moral sense, as an
understanding between man and man—in a
sense which he had defined by the preceding
statement. He says “such stipulation,”
“such a surrender of the prerogative of the
Crown.”

That is a simple statement of the question.
Many of the warmest supporters of the late
Councillors have declared, that if it could be
shown that they required any such “stipula-
tion” or understanding with his Excellency
as to his future course of proceeding, they
violated their duty, they infringed the prero-
gative, and ought not to be sustained. Let us
now see whether it is not as clear as the day
that they did demand such an understanding,
or what is equivalent between man and man
to a stipulation. In discussing this question,

I shall first examine the evidence which the late Councillors adduce in proof of the assertion. I shall then adduce the evidence which has been furnished in support of the Governor-General's statement.

Here let it be observed that the naked conflicting statements of the two parties decide nothing on either side. As no man can be a witness in his own case, the assertions of the parties are not testimony. There is therefore from such statements no proof for or against either party. Such a case, without the shadow of proof either for the plaintiff or defendant, no judge would submit to a jury: and if he did no jury could come to any legal decision in favor of either party, as they would be bound by oath to give according to evidence, and as there would be no evidence in the case.

To what evidence, then, have the late Councillors appealed in proof of their statement? I answer, a resolution of the House of Assembly, seconded by Mr. Lafontaine, and voted for by his colleagues! That is, they adduce their own assertion on one Saturday to prove the truth of their own assertion of the previous Saturday!!! Was their assertion any stronger evidence on Saturday the 2d of December, than it was on Saturday the 25th of November? It was not evidence on the latter day, how came it evidence on the former day? Such is the evidence (!!) by which the late Councillors proposed to annihilate the statement of the Governor-General. Mr. Hincks says, "The votes of the ex-ministers for Mr. Boulton's resolution, which was seconded by Mr. Lafontaine, afford the best evidence that can be offered, that they did not require a "stipulation," in the ordinary acceptance of that term." (*Reply to Mr. Viger*, p. 11.) The last part of this sentence is significant on another point—it implies that the late Councillors did require a "stipulation" in some acceptance of that term.—But more on this point presently. Mr. Baldwin says: "Again, an attempt has been made to mislead the public into the belief that the disruption turned wholly on a demand by the ministry for a stipulation—as it is called—of an unconstitutional character. (Hear, hear.) But he (Mr. Baldwin) thought that his learned friend, Mr. Lafontaine, having seconded Mr. Boulton's addition to the address, was a sufficient proof that all they asked was that mutual understanding which Mr. Boulton's resolution not only recognised, but indeed declared to be absolutely necessary. (Cheers)" (*Toronto Association Speech*, 25th March.) Here then is the assertion of the late councillors as evidence in proof of their assertion! What a curious institution 'he administration of justice would be, were it conducted on such a principle! What admirable logicians! How profoundly learned in the law of evidence!—It is by the same sort of logic that Mr. Hincks proposes to sweep the Governor-General's whole protest by the board. In his reply to Mr. Viger, Mr. Hincks says, (p. 10), "We assert with perfect confidence, that the present Governor-General considers Responsible Government, as understood by the majority

of the House of Assembly, by Mr. Viger himself, by Mr. Buchanan, and Mr. Wakefield, his own great champions, to be inadmissible, as requiring a "virtual surrender of the prerogative of the Crown to the Council for party purposes." What then becomes of the protest?" Sure enough, after Mr. Hincks "asserts with perfect confidence," what becomes of the protest? Is it annihilated? No, it still survives. Is it in the nether world?—No! it still exists in this. Where is it then? Why after looking for it a moment or two, I find it just where it has been from the beginning; and I suppose it will require something more than the blast of Mr. Hincks to extinguish it, as little as he may think of the protest of the Representative of his Sovereign in comparison of his own "assert with perfect confidence."

But what does the resolution appealed to contain? Let the reader ponder its import, especially that of its concluding sentences.—It is as follows:

"This House, in dutiful submission to their gracious Sovereign, and with the utmost respect for the exalted station and high character of his Excellency, is most anxious to guard against any misconception which possibly might be placed upon the affirmative declaration of their opinion upon this delicate and vitally important constitutional question, and therefore most humbly beg leave to disclaim in a negative form, any desire that the head of the Government should be called upon to enter into any stipulation as to the terms upon which a provincial administration may deem it prudent either to accept or continue in office; that mutual confidence, which is essential to the well being of any government, necessarily presumes that they are understood, while a due respect for the prerogative of the Crown, and proper constitutional delicacy towards her Majesty's Representative, forbid their being expressed."

Such is the evidence to which Messrs. Baldwin and Hincks appeal in support of the assertion that the late Councillors had not required from the Head of the Government an understanding or stipulation as to the terms upon which the provincial administration had deemed it prudent to continue in office. Let it be noted, that the resolution says nothing of what has been, or has not been, but of what ought not to be. The question at issue involves a fact, as to what the late Councillors did, or did not; the evidence they adduce relates to expediency, as to what they ought not to do. Would such evidence be received in a court of justice? If it ought not to be received by a jury of twelve men, ought it be received by a whole country? Would the reader like to be condemned on a witness opinion, or rather the opposite party's assertion of what ought not to be, instead of testimony as to a fact? We enquire what the late Councillors did on Saturday, the 25th November. In reply, they tell us what they voted ought not to be done on Saturday, the 2nd December.—This, Mr. Baldwin calls "sufficient proof;" I dare say it is "the best evidence that can be

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Now, under the late Governor-General's House would to extract a formal "which the conducted. ry to place as possible when it was virtue of ne general reason as to what and this "r they now a can be offered

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offered" by Messrs. Baldwin and Hincks; but their "best evidence" in this case does not deserve even the name of evidence.

Now, during the week of their resignation, the late Councilors might have found—as I have reason to believe they did find—that the House would not sustain them in any attempt to extract even an understanding, much less a formal "stipulation", as to the terms upon which the administration should in future be conducted. They therefore found it necessary to place themselves upon as strong ground as possible in respect to this point. Hence when it was pressed upon them, they made a virtue of necessity, and agreed to support a general resolution expressing their "desire" as to what "should be," and should not be; and this "negative" disclaimer of "desire" they now appeal to as the "best evidence that can be offered" as to what they had not done.

The statements of the late Councilors, and any inferences which those statements might authorise, would be entitled to the greatest respect under ordinary circumstances, and when no other parties but themselves were concerned; but when they adduce any statement of their own to commit the Representative of their Sovereign with having stated what was untrue, their professed evidence should be carefully sifted and weighed—under this process it is seen that their evidence, in the present case is in all respects, "found wanting."

Thus much then for their own evidence, or rather the absence of the very shadow of evidence in support of their assertion. Let us now consider the evidence in support of the Governor-General's statement.

In the first place then, what did Messrs. Baldwin and Lafontaine go to the Governor-General for? What did they go to him two days in succession for? Was it to resign? No.—Was it merely for advice? No. Was it not to make a demand? Was it not to come to an understanding as to the terms upon which they might "deem it prudent to continue in office?" And was not such a proceeding at variance with both the letter and spirit of Mr. Boulton's resolution, to which they appeal in their own justification? And does not such a proceeding go far to establish the truth of the Governor-General's statement?

That such was the object of their waiting upon his Excellency we have ample truth in the testimony of many of their own supporters, and even of themselves. Two witnesses and one fact will be sufficient on this preliminary point. Mr. Sullivan, in his explanatory speech, November 30, alleges "the impossibility (of himself and his colleagues) staying in office after understanding his Excellency's views." It appears then, that before understanding his Excellency's views it was possible for them to have remained in office; and that it was upon "his Excellency's views" that the late advisers resigned. And how come they to know his "views?" Why Messrs. Baldwin and Lafontaine went to ascertain them—views, which (as the concluding phrase of Mr. Boulton's resolution ex-

presses it) "a due respect for the prerogative of the Crown, and proper constitutional delicacy towards her Majesty's Representative, FORBID THEIR BEING EXPRESSED." Again, the Editor of the *Examiner*—one of the secretaries of the Toronto Association—has the following words and italics: "When waited upon by Mr. Lafontaine, in behalf of himself and colleagues, in order that they might come to some understanding as to the principle upon which the Government was to be conducted, as far as regards appointments to office, his Excellency positively refused to recognize it as a constitutional principle that he should consult them at all upon this important department of the administration of public affairs; evidently claiming its patronage *ad libitum* without the advice, counsel, or concurrence of his responsible advisers."—[March 13]. With the latter part of this statement I have at present nothing to do. I have heretofore shewn its falsity, and proved that it was impossible for the Governor-General to make any appointment, without the concurrence of at least one "responsible adviser," and that His Excellency has denied that the right of the Council to advise him was a subject of dispute between him and his late Councilors. But their demanding a declaration of His Excellency's views even on that subject, was as unconstitutional (according to Mr. Boulton's resolution,) as their demanding "some understanding" with His Excellency, as to the future policy of appointments, or on any other subject. They were to remain, or to retire from his councils according to his acts, as they were responsible to the Legislature not for his views, but for his acts; and they had no more business with his views, as to what might be or should be, than they had to do with his purse. To seek "some understanding" with him, as to what his views were or might be, was, according to Mr. Boulton's own resolution, unconstitutional; to represent these views to parliament—especially in the teeth of his Excellency's protest—was not only unconstitutional, but unjust and dangerous as I have shown in the second number of this argument.

Then, as to the fact—a fact trumpet-tongued in its import and bearing on the character of the present crusade against Sir Charles Metcalfe,—the fact is this:—The late Councilors admit they would have remained in office had the Governor-General's views (which they went to ascertain) as to his future policy accorded with their demands or wishes. This is, they would have assumed the responsibility of his past acts, had he given them assurance or pledge, or "stipulation," as to the character of his future acts!! Can such a proceeding be paralleled in the entire history of England, since 1688? Had the Governor-General's views of future policy proved orthodox, according to the "terms" of the late-born expediency creed of the ex-Councilors, then—can it be believed?—all his past acts would have been defended by them—the very acts they now pronounce unconstitutional—acts which extended over a period of

months—acts which they now vociferate from Essex to Gaspe—these very acts for condemning which they now demand the support of the Province,—yes, those identical acts, (and the reservation of the Secret Societies' Bill among the rest,) would have been whitewashed—would have been assumed as constitutional—would have been defended as worthy of the support of the Province, had the Governor-General only “come (to use the Examiner's words) to some understanding, to the principle upon which the government was to be conducted as far as regards appointments to office!”

Now, does not this single fact prove to a demonstration, that they violated the last part of Mr. Boulton's resolution? Into the pit which they dug for another, have they not fallen themselves? And I appeal to the honest reader of any party, whether their resigning or not resigning can change the nature of the Governor-General's acts which were performed before they resigned? And whether they are not, in all honor, and consistency, and truth, and decency, bound to defend those acts out of office as well as in office? Their continuance in office was (to use a figure in Mr. Boulton's Toronto Association speech,) an endorsement of every note in the shape of a government act,—during the period of their incumbency they were the only endorsers known in the law of Responsible Government—as long as they remained in the emoluments of office, they excluded all other endorsers; and, it appears by their own confession, that they would have continued to have endorsed every note of the Governor General's past acts, had he consented to have endorsed their notes, (which they presented to him,) of “some understanding as the principle upon which the Government was to be conducted as far as regards appointments to office.” And, because he would not endorse in advance for them, they have repudiated what, by their continuance in office, they had endorsed for him.—Every note of his Excellency's acts would have been as good as the Bank of Responsibility itself, had he consented to endorse the “stipulation” note for them: but his refusal to do so has made him a heretic in theory and a despot in practice, and that too for months while they were his voluntary and paid endorsers!! Now, statute-law will not allow an endorser to repudiate his name from a discounted note, whatever may become of the drawer of it; nor will responsible law allow advisers of the Crown to repudiate notes which have been discounted, while they voluntarily continued in the office, and received the pay of constitutional endorsers. They are not, indeed, liable to imprisonment; but repudiators of all countries will receive, as they have always received, the repudiation of the moral world.

In what a humiliating contrast does this proceeding of the late Councillors stand to the conduct of every English statesman who has ever retired from the councils of his Sovereign! How painfully does it contrast with the honourable and constitutional conduct of

the ex-Councillors in Nova Scotia! Hear the commencement of Mr. Howe's explanatory speech, as reported in the Nova-Scotia papers:—“Mr. Howe rose and opened his address to the house by reading his note of resignation of the offices of Executive Councillor and Collector of Excise, addressed to his Excellency the Lieutenant Governor. He therefore stood relieved from the weight of responsibility which had rested on him for the last three years and a half. He spoke in the highest terms of Lord Falkland's courtesy—it would always live in his grateful remembrance. He conceived while a Councillor he was bound to support the government, and regard the interests of the country. The responsibility was great and weighty; but he had other responsibilities—to his constituents—to the country—to this house. He would now endeavour to discharge his duty, so that his position would be understood. He would support Lord Falkland's Government up to the time of his resignation—that act also he was ready to defend.”

Thus far, then, as to the fact that the late Councillors demanded an understanding or “stipulation” from Sir Charles Metcalfe as to his future conduct. I think this fact can be no longer doubted. I will now adduce testimony to show that the demand they made did involve what the Governor General alleged—that the patronage of the Crown should be surrendered to the Council for the purchase of parliamentary support.” This is clearly implied in the passage in the speech of the chairman of the Toronto Association, which I quoted in the last number. He maintained that the Governor General should consult with no other parties than the “administration,” or “the leading members of the majority”—and that their advice should be his rule of action. Thus excluded and thus included he could only be a “tool” in the hands of his keepers. Mr. Sullivan, in his explanatory speech, while he denies some of the statements of Sir Charles Metcalfe, which I have shown to be true, defends the very policy which his Excellency says was the point of “antagonism” between him and his late advisers—the distribution of patronage. He says. “As to that part of His Excellency's letter which mentioned the injustice of giving office only to persons of the same political opinions with the existing government; he said he had watched the course of different administrations in Canada for the last twenty years: he had been a member of the administration for the last eight years, and yet during the whole length of that time, he did not remember ever to have seen any of the many different parties in power patronising their enemies: in fact, if the proposition were made, he had no doubt it would have been laughed at as a piece of childish folly.” Here Mr. Sullivan (and the only one of the late advisers that did so in explanation) admits and publicly avows the “principles” on which he and his colleagues had contended with Sir Charles Metcalfe that the government should be conducted, “as far

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as regards appointment to office." Had his Excellency agreed to that principle, would it not have been virtually surrendering the patronage of the Crown into the hands of the Council for party purposes? There is an old historical inaccuracy in Mr. Sullivan's remarks which I must correct. There has been but one party in power in Upper Canada during the last twenty years, until the last three or four years. The policy of that party in regard especially to appointments to office, has been the subject of complaint and remonstrance by the U. C. House of Assembly and the people in every variety of representation, and has been alleged by many as one occasion of the insurrection in 1837. Yet Mr. Sullivan and his colleagues repudiate the hitherto acknowledged reform doctrine of "equal justice to all classes," and denounce Sir Charles Metcalfe as an enemy to Responsible Government for maintaining it, and they now avow the old high ultra doctrine of party denominations and party exclusiveness, as the examples of their policy in appointments to office. But more on this subject in another place.

In a passage quoted in a former part of this paper, it has been seen that Mr. Hincks had admitted that the late Council did require a "stipulation" of Sir Charles Metcalfe in some acceptance of that term, though Mr. Boulton's resolution condemns a required stipulation or expressed understanding in any sense of the term. Let Mr. Hincks explain himself, and be my witness more at length. He says—"The system previously pursued by the Governor had been very unsatisfactory, and was calculated to destroy the political influence of the ministry, and they were compelled to remonstrate, and come to an understanding with his Excellency on certain points. Almost the only point on which there is even an apparent misunderstanding between the Governor-General and the ex-ministers, is that regarding the "stipulation." That, however, would long since have cleared up had there been a responsible minister in Parliament. We believe there is no real difference between them. The ministry have never denied that they gave the Governor General to understand that they could not afford him any assistance in the administration if the system of making appointments prejudicial to their influence was to be continued. This may be termed requiring a "stipulation." We deny that it is so. Will any one pretend that if at the present time, it being perfectly well known to every one that the Governor has avowed his determination not to be influenced in any way by party considerations, his Excellency were to invite Mr. Viger to form an administration, he might not with perfect propriety ask his Excellency whether such were his views as to his mode of administering the government, as if so, it would be out of his power to render him any assistance? There surely would be no "stipulation" in all this, and we could very easily find plenty of English precedents for "stipulations" of this kind. Now, in our judgement, Mr. Viger, if called upon, as we have suppo-

sed, would have not only been justified in taking such a course, but he would neglect his duty to the country if he failed to do so.—If then a gentleman called on to form an administration would be justified in coming to an understanding with the head of the Government as to the views of public policy, surely the members of an administration are equally warranted in doing so, especially after a change in the head of the government, and when they have reason to think there is a wide difference between him and them as to the policy to be pursued. As to the other points their is no dispute." [Reply to M. Viger, p. 11.]

In this extract, Mr. Hincks has admitted the whole fact in language that cannot be misunderstood; and in the passage I have italicised, he contradicts the whole doctrine of Mr. Boulton's resolution adopted by the House of Assembly, and substantially asserts what the Governor General resisted and what the House disclaimed. Mr. Hincks says he "could very easily find plenty of English precedents for the kind of "stipulation" which the late advisers demanded of the Governor General. I defy him to find one. Sir Robert Peel neither in 1839 nor in 1841, demanded any "such stipulation" of her Majesty—all he knew or asked to know of her "views of public policy," was from her acts, in acting or not acting upon his advice. According to the doctrine of the late Councillors, as stated by Mr. Hincks, the Sovereign must explain his political creed at the formation of every new ministry, and of course, at the very outset, must square by explicit "understanding," "his views of public policy" with theirs as to the mode of administering the government, or they would inform him, that "it would be out of their power to render him any assistance!" What a Proteus would the Sovereign thus become under a succession of ministries; and what a degradation would thus be stamped upon the very name of royalty.—And how does such a doctrine appear when compared with Mr. Boulton's resolution?

Again, Mr. Hincks says that the late Councillors went to his Excellency not only to "remonstrate" (that was their right and duty, if they deemed it necessary) but to "come to an understanding on certain points." It is also clear that one of those "points" relative "to the policy to be pursued" was, as to whether he would "come to an understanding" with them not to "make appointments prejudicial to their influence." What is such an "understanding" but a "stipulation?" And what is the effect of it but "the surrender of the patronage of the Crown to the Council for the purchase of parliamentary support?" This is the doctrinal demand of the late Councillors (Mr. Hincks being witness); this is the allegation of the Governor General; and the former proves the truth of the latter.—This is what I undertook to establish.

Under the operation of such a "stipulation" or "understanding," the Councillors could say concerning each of eleven candidates out of twelve for any office, "If your Excellency appoint such a one, you will prejudice our in-

fluence; we must hold your Excellency to your word." He would thus have no discretion, but must either be their "tool," or violate the honor of his word. It is thus that their required "understanding" or "stipulation"—the condition on which they suspended their continuance in office—did imply the supremacy of the Council and the nullity of the Crown. How true then is the statement of the Governor General in his reply to the address of the Gore District Council, that "the resignation of those gentlemen proceeded from my refusing to agree to certain stipulations which it was unconstitutional for them to demand, and a compliance with which was impossible on my part, as, in my judgement, it would have involved a surrender of the patronage to them for party purposes,—an act to which I would never agree. In no other respect was the question of Responsible Government involved in their resignation."

But under the constitutional operation of Responsible Government, the advisers could say to the Crown, in case of any proposed appointment, "we are not prepared to justify it: it is with the Crown to exercise its rights and do its pleasure: but in view of it, we must tender our resignation; and leave others to assume the responsibility of it." It would then be with the crown to consider not merely whether it desired to make such an appointment, but whether it was more anxious to make it than to retain its present advisers; and whether, if other advisers were called to its assistance, they would be sustained by parliament. Thus the Crown would be free: and yet the parliament would have a check upon its acts. This is the constitutional check of Responsible Government. The former was an unconstitutional demand of the late Councillors. This leaves the prerogative inviolate: the former makes it a "nullity." This Sir Charles Metcalfe acknowledges: the former he resists. Ought he not then to be supported?

I have still another witness, although I do not need his testimony. I will give it for the edification of the reader, and as an illustration of my argument. Mr. George Brown, Editor of the *Globe*, and organ of the Toronto Association, thus delivered himself in a speech on the 25th of March:—"The Cabinet Minister of England is no hireling—he is not the head clerk of a public office, whose advice is asked when wanted, to be unheeded when given,—he is not the plastic non-entity condescendingly to be consulted on matters of 'adequate importance:' (loud cheers:) but he is the life, the moving power of every wheel in the whole machinery of government—he is the very Government itself. Still the minister does not one single act in his own name, or for his own benefit—all is in the name of the Sovereign. The Cabinet Council as a party or as a power in the state, is perfectly unknown—it is the Executive of the Crown—the mouth-piece of the Sovereign.—Though the ministers alone are responsible, they appear in no shape as a party. The So-

vereign and the Cabinet together form one power in the State—Royalty is practically embodied in the British Constitution."—(Cheers.)

It appears then that the British world has been sadly astray in saying, "King, Lords and Commons." Mr. George Brown will teach them better. They should say, "King and Cabinet together, Lords and Commons." In this partnership of power between the "Sovereign and the Cabinet," Mr. George Brown will teach them how little is permitted to the former, and how much is the property of the latter. The Cabinet Minister is not only the "mouthpiece" of the Executive, but the moving power, the "life," the "very Government itself," and the Sovereign is less than "a tool"—a mere name to be used by the Cabinet Minister to endorse and give prompt to his acts. Such is the "loud cheers" doctrine of the Toronto Associationists. And no wonder, then, that Mr. George Brown's newly imported patriotic ire burst forth against Sir C. Metcalfe, for "trying to strike a deadly blow at the power and efficiency of the Provincial Executive Council," because he resisted their pretensions to be not only the "mouthpiece," but the "life," the "moving power," the "very government itself," and himself to be a name in form, and a nullity in practice. The words of JUNIUS—oddly enough quoted by one of the Toronto Association orators—were never so appropriate in the Cabinet encroaching days in which they were written, as on the present occasion:—"We have nothing to fear from prerogative, but every thing from undue influence."

Before the completion of this discussion, I trust the people of Canada will more fully appreciate the sentiments of JUNIUS, and the conduct of SIR CHARLES METCALFE, as the equal-justice protector of their constitutional rights and public liberties.

NUMBER V.

Dr. Paley's refutation of Hume's celebrated sophism against miracles is the shortest argument in that most admirable work—*The evidences of Christianity*. Dr. Paley's exposition of it does not occupy three pages; and his mathematical demonstration of its falsity occupies less than one page. The most important argument, therefore, in that unrivalled work is the shortest. So, if my argument in this paper should be much shorter than that which I have advanced in each of the preceding papers, its importance will not be in proportion to its length, but in proportion to its brevity.

The fourth proposition which I propose to demonstrate is—"That the question at issue between the late Councillors and SIR CHARLES METCALFE, according to the statement of certain of themselves and others of their own party, on different occasions is not that which Mr. BALDWIN stated to the House of Assembly and on which the vote of the Assembly was predicated."

The subject proposition is embraced in the title. It is a bold than true tant.

In the first thing new what the question stated to the which the voted. The Bill was a question. H. has only been never answered in the language Nova Scotia, "As regards Lodges, it may arise, been introduced desirable." ted those circ that after un their bearing sion,) to an done from himself pro jesty's appro mitting it to only to rem but to erase persons who duced very slaves—thou any other co Sir Charles qualified dis and the obje I can state l thority—of Excellency of Orange place a few ly fas the d ed letter wil range displa no blood sh religious an or humanity confidence, perty, and u excite suspi represented organs as a base for Ma racteristic every priva the most w cate and de pectable m do the *Gl* follow in h

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The subject of discussion involved in this proposition is as novel as that which was embraced in each of the preceding propositions. It is without example in the hundred and fifty years history of Responsible Government. It is so, simply because the proceeding of the late Councillors is without precedent. This proposition is confessedly a bold, as well as a startling one. But it is no more bold than true, and no less true than important.

In the discussion of this proposition, the first thing necessary is, to ascertain precisely what the question was which Mr. Baldwin stated to the House of Assembly, and on which the vote of the Assembly was predicated. The reservation of the Secret Societies' Bill was a circumstance; but it was not the question. And of that circumstance—explained by His Excellency in a manner which has only been attempted to be evailed at, but never answered—it may be sufficient to say in the language of the Hon. Joseph Howe, of Nova Scotia, in his letter to Mr. Hincks—"As regards the Bill for suppressing Orange Lodges, it appears to me that circumstances may arise, after a government measure has been introduced, to render its postponement desirable." The Governor General has stated those circumstances—one of which was, that after understanding its provisions in all their bearing (by a full parliamentary discussion,) to an extent that he could not have done from a bare perusal of them, he felt himself prohibited from affixing her Majesty's approbation to a bill (without submitting it to Her Majesty) which went not only to remove and proscribe from office, but to erase from the list of jurors, a class of persons whom Her Majesty had not thus reduced very nearly to the state of aliens and slaves—though still subjects of taxation—in any other colony or portion of the Empire.—Sir Charles Metcalfe has expressed his unqualified disapprobation of Orange Lodges; and the object—the entire and sole object, as I can state by permission from the best authority—of the only private interview that His Excellency ever had with the Grand Master of Orange Lodges in Canada, which took place a few days before the twelfth of last July [as the date of the surreptitiously published letter will shew,] was to prevent any Orange display on that day, that their might be no blood shed, or riot, or renewed cause of religious and political strife—a work of charity or humanity, which by the betrayal of private confidence, and the pilfering of private property, and upon authority that ought not to excite suspicion against any body, has been represented by all the Toronto Associationist organs as a plot too silly for idiotism, and too base for Mackenzie himself. It was the characteristic practice of Mackenzie to publish every private letter he could obtain, and from the most worthless sources, in order to implicate and degrade the most upright and respectable men in the land; and how exactly do the *Globe* and the *Associationist* organs follow in his wake in respect to even the Re-

presentative of the Sovereign. A man who will, in violation of the conventional law of civilized nations, pilfer a letter from the sacred drawer of confidential privacy, in order to injure and destroy character, is not above taking his neighbour's purse—and the receiver is as bad as the thief. These Mackenzie attempts to destroy even the moral integrity of the Governor General, will meet with a Mackenzie reward; and time will shew that Sir Charles is no more a supporter of the Orange Association than he is of the Toronto Association; but he will take other than means unknown to British legislation and government for the discountenance of both. The time may come when it may be felt and bounden duty of the government not to appoint to office, or continue in office, a member of either association. But the "important disclosure" of the private letter itself "discloses" nothing but the writer's opinion of its own recommendations; it attributes nothing to His Excellency which could not have been attributed to him; had a copy of the Toronto Association address been enclosed to him for his perusal.

But to return from the notice of this circumstance to the consideration of the question. This can at once be ascertained from the resolution of the House, voted for the late Councillors themselves. It is as follows: "That an humble address be presented to His Excellency the Governor General, humbly representing to His Excellency the deep regret felt by this House at the retirement of certain members of the Provincial administration, ON THE QUESTION OF THEIR RIGHT TO BE CONSULTED ON WHAT THE HOUSE UNHESITATINGLY AVOWS TO BE THE PREROGATIVE OF THE CROWN,—appointments to office; and further, to assure His Excellency that their advocacy OF THIS PRINCIPLE entitles them to the confidence of this House, being in strict accordance with the principles embraced in the resolutions adopted by this house on the 3d September. 1841."

The subject of inquiry now is, what this the question of "antagonism" between Sir Charles Metcalfe and the late Councillors; or was the PARTY distribution of the patronage of the crown,—or what is usually party government, the real question of "antagonism" between them? The late Counsellors allege the former Sir Charles Metcalfe asserts the latter.—In the preceding paper, I have examined the evidence on both sides of the question, and have, I trust, established the truth of His Excellency's statement beyond reasonable contradiction. The present proposition is a corollary, or obvious consequence of the preceding one; and on this ground I might rest it on every just principle of reasoning. But in a question of so great importance, I will adduce additional evidence.

Let it then be recollected, in the first place that in the passage of Mr. Sullivan's explanatory speech I quoted in the last paper, he contended for a party government—that is not being governed by the party of the majority, but the governing for the benefit of the ruling

to the exclusion of the ruled party. He said that he "had watched the course of different administrations in Canada for twenty years, and during the whole of that time, he did not remember to have seen any of the different parties in power patronising their enemies: in fact, if the proposition were made, he had no doubt it would have been laughed at as a piece of childish folly." I shall in another place consider the spirit of the doctrine, that the advisers of the Crown for the benefit of a whole country are to view and treat as "enemies" all who are not of their own party. I have now to do merely with the fact that such was the doctrine of the late Councillors; that such was what they insisted upon as the advisers of the Governor General: and that they regard the very proposal of a different policy as "a piece of childish folly." Mr. Baldwin explained his views theoretically in more guarded and qualified language, but practically to the same effect. He admitted that he would confer an office even on an opponent, if he were obviously the best qualified of rival candidates; but that in case of the qualifications of two candidates being equal, he would always give the office to the candidate of his own party. Now, in ninety-nine cases out of an hundred, there would be more than one candidate of equal qualifications belonging to opposite parties; in all which cases partyism would decide. The perniciousness of this old exclusive and anti-reform doctrine is increased from Mr. Baldwin's recommendation at the Toronto dinner, and on other occasions, that "*Upper Canada must have a more distinctively party character in the Representative which she returns.*" The Government is to reflect the character of the representation; and the "distinctively party character" of the policy of the former must harmonize with that of the spirit of the latter. This is the first time I ever recollect of reading of a minister or ex-minister of the Crown in urging the increase of political party distinctions in a country as a theory with a view to promote good government—distinctions, which in exact proportion to their extent and violence, have been considered by all writers on political science as the most serious obstacle to just government, and only adapted to promote the selfishness of party at the expense of the general good. Party distinctions and party spirit have always been viewed as an evil both to civil and religious society. According to Mr. Baldwin's recommendation, the greatest party man is the best public man! Mr. Hincks and the Toronto Association avow as a fact what Mr. Baldwin individually urges as a recommendation. Mr. Hincks' address to the "Reformers of Frontenac" was not only republished in the Toronto Association organs, but ordered by a special resolution of that association to be printed and circulated in the tract form. In that tract we have the following words:—Great fault has been found with the late ministry, because they were party men, and because they desired that the vacant offices should be filled up by men of their own party, that is,

men desirous of preserving British connexion and securing the peace of the country, instead of those who, in their opinion, are taking a course calculated to produce the contrary effect." "Attempts have been made, gentlemen, to induce you to believe that Responsible Government is fully admitted by the distinguished individual at the head of the Government. It is true, indeed, that the term Responsible Government has been used, but that is not what we want. We must have the substance, not the shadow. The very object of Responsible Government is to control the prerogative, by providing the Governor with advisers possessed of public confidence. If, however, the Governor is to make appointments to office, *either without or against* the advice of his responsible advisers, it must be obvious to every man of common understanding, that all the advantages of Responsible Government are lost. Can you imagine for a moment, gentlemen, that any set of men will remain in office if appointments are to be made prejudicial to their influence? The very idea is absurd. A government acting in such a manner as to destroy itself! And yet the Governor declares, in almost every one of his answers to addresses, that the appointments are to be made without reference to party considerations."

The facts and doctrine propounded in the above quoted passages are, be it recollected, put forth by one of the late Councillors, and subsequently adopted and reprinted for wide circulation by the Toronto Association. The late Councillors have complained much that certain Editors in Canada claimed for themselves and party to be *exclusively* the friends of British connexion. In the first part of the above quotation, it will be seen that the Toronto Associationists do precisely the same thing—they represent their own party, *exclusively* "desirous of preserving British connexion." In addition to this party inconsistency, it may be remarked that this boasted (*exclusively* felt) "desire" was very oddly expressed by Mr. Hincks and the Associationists during the rebellion of 1837. I can state upon unquestionable authority that a leading member of the Toronto Association, lately remarked to a friend in Toronto (referring to the rebellion of 1837) "*If we had only turned out, we could have done anything.*" But they did not talk then of being "desirous of preserving British connexion"—they would not "turn out" to preserve it; and yet they now profess to be the *only* "men desirous of preserving British connexion!!"

In the above quotation, three things should be observed: 1st. The late Councillors and the Associationists admit and declare as a fact that they had sought to fill up the vacant offices with men of their own party. 2ndly. They avow as a doctrine that the Governor General is not to make appointments *against*, any more than he is without, "the advice of his responsible advisers"—that otherwise, "all the advantages of Responsible Government would be lost." This of course makes the Governor General the "tool" of the council:

and this is declared of Responsible Government. Therefore represent Metcalfe as an enemy, because he is one of his answers to addresses are to make considerations.

Such, be it recollected, is the Governor's own account of the government. It is the account of the advisers of the majority in the kind of party government not even limited documents which pretended that he objected to no one; or that he entertained the them and filling from the ranks of administration of party, he has as thoroughly as he is another—a new ment, which the late Councillors term of the government *turning the party*. It is this new element of the above quoted address, which is dashed by the fact that it is this new element of Mr. Sullivan's "folly" the idea of any other than party; it is this of the point of Charles Metcalfe from an early period was this new demand for the party purposes, a plausible pretext for Responsible Government. The above quoted passage by Sir Charles Metcalfe the "demand" he regarded the based on the common meaning.

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and this is declared essential to the existence of Responsible Government! 3rdly, They therefore represent, in the third place, Sir C. Metcalfe as an enemy to Responsible Government, because he "declares, in almost every one of his answers to addresses, that appointments are to be made without reference to party considerations."

Such, be it recollected, is the late Councilors' own account of what they mean by *party government*.—It is not merely the selection of the advisers of the Crown from the party of the majority in the Legislature. To this kind of party government Sir C. Metcalfe has not even hinted an objection in any of the documents which he has put forth. It is not pretended that he ever expressed the slightest objection to the *composition* of the late Council: or that he ever so much as suggested or entertained the idea of dismissing some of them and filling up their places with persons from the ranks of the opposite party. To the administration of the government *through a party*, he has assented as practically and as thoroughly as her Majesty herself. But there is another—a new—and a very different element, which the Upper Canada section of the late Councilors has introduced into their system of the government of party—that is, *governing the party, to the exclusion of a party*. It is this new element which the doctrine of the above quoted passage from Mr. Hincks' address, which has been adopted and republished by the Toronto Reform Association; it is this new element which is the doctrine of Mr. Sullivan, in pronouncing as "childish folly" the idea of bestowing an office upon any other than the supporters of the ruling party; it is this new element which has formed the point of "antagonism" between Sir Charles Metcalfe and his late Councillors, from an early period of his administration; it was this new element which originated the demand for the patronage of the Crown for party purposes, and under the false but plausible pretext that it formed the essence of Responsible Government, as intimated in the above quoted passage from the address adopted by the Toronto Association, and as stated by Sir Charles Metcalfe, when he says that the "demand which was made by the Council regarded the patronage of the Crown, was based on the construction put by some gentlemen on the meaning of Responsible Government."

This is the only solution of the conflicting statements between Sir Charles Metcalfe and his late advisers, which can be given without an absolute impeachment of their integrity.—By Responsible Government, they really mean this sort of party patronage government—a bastard Responsible Government—whilst his Excellency means by the phrase, the legitimate Responsible Government, which recognizes ministerial responsibility, and at the same time the purest and noblest attribute of the prerogative, to be equally just to all classes; or, as Mr. Howe of Nova Scotia expresses it, "to bestow all offices for the public good, without reference to party."

Now, the question of this kind of party go-

vernment, and the question of the right of the Councilors to be consulted on appointments to office, are as different as night is from day. Which of these questions, then, was the subject of "antagonism" between Sir Charles Metcalfe and his late advisers? Mr. Baldwin, in his explanation, represented the latter, and on the latter the house voted. Sir C. Metcalfe asserts the former; and I think I have above given sufficient reasons to evince the truth of his Excellency's assertion. But I will appeal again to the direct and unequivocal testimony of his accusers, not only so as to their construction of Responsible Government, as meaning party government, but that that party government implies the exercise of the prerogative of patronage for the exclusive benefit of one party, and that this was the primary and real subject of antagonism between the Governor General and his late Councilors. I appeal to the letters of Mr. Hincks to the London *Morning Chronicle*—letters republished and endorsed by the organs of the Toronto Reform Association.—Mr. Hincks gives the following interpretation of Responsible Government, and the following account of the antagonism referred to:—"I have established the fact that the parties to whom I have referred in a former part of this letter, are all pledged to Responsible Government as practised in England—that is, to a party government. Sir Charles Metcalfe, on the other hand, is a determined opponent of such a government—as a reference to facts will prove. It is admitted on all hands that appointments to office were in several instances made by his Excellency, without any consultation with his Council, and these appointments were in their opinion, *prejudicial to their influence*. I put it to you, Mr. Editor, is it in accordance with British practice, which, according to Lord Durham, should be our guide, that the *patronage of the Crown* should be distributed so as to destroy the political influence of the existing ministry? It is truly absurd to put such a case. It could never be tolerated a moment by any ministry. And yet the present difficulties in Canada, as well as in Nova Scotia, have been caused by an attempt to administer colonial government on principles entirely inconsistent with the representative institutions. Nothing would induce me to misrepresent the views of Sir Charles Metcalfe on this subject. I believe that HIS EXCELLENCY CONSCIENTIOUSLY DISAPPROVES OF PARTY GOVERNMENT, and that from the time of his arrival in Canada, he was determined to overthrow it. Hence his own expression, that "he had observed "an ANTAGONISM" between his Council and himself from the time of his arrival in the country." (Copied from the Kingston *Chronicle*, January 31.)

Here then it is expressly stated that the subject of antagonism between Sir Charles Metcalfe and his late advisers, was the question of party government in respect to the distribution of the Crown: whilst Mr. Baldwin described that subject of antagonism to be "the question of the right of the Council to be con-

sulted in respect to appointments to office."—It is therefore as clear as that two and two make four, that the question at issue between the Councillors and Sir Charles Metcalfe, was not that which Mr. Baldwin stated to the House of Assembly, and on which the vote of the Assembly was predicated; which is the proposition that I was to prove—a proposition, the facts of which are without a precedent or a parallel in the history of Responsible Government. Comment obscures and enfeebles when the naked text itself is luminous as a sun-beam, and speaks with the voice of thunder. Yet there is a peal still louder in the recent debate of the British House of Commons—a debate which stamps with the highest authority, the truth of every material fact, the correctness of every view, and the justness of the warnings which I have given in my introductory address and preceding numbers of this argument.

P. S.—Just before the completion of the foregoing fifth number of my defence of Sir C. Metcalfe, for the people of Canada, against attacks and encroachments, as dangerous to their constitutional rights, as they are to his character, I received the intelligence of the "great debate," or rather Imperial exposition of Canadian affairs, and of the determination of the British Government respecting them. Had I been aware that so early, so full, so unanimous, so authoritative a vindication of Sir C. Metcalfe, and so comprehensive and unquestionable an exposition and decision of the questions at issue between his Excellency and his late Councillors, would have been given by her Majesty's Government, I might not have thus voluntarily incurred the labour and exposure of the present discussion. And the same consideration will induce me to abridge the subsequent part of the discussion as much as possible.

When the authorities of the Empire speak on the question of their own constitutional rights, it is superfluous and presumptuous for me to reason and remonstrate. What I have argued was unprecedented and unconstitutional, the unanimous decision of the Home Government, supported by Lord John Russell and Mr. BULLER, the adviser and supposed writer of much of Lord Durham's Report—only opposed by Mr. Roebuck and Mr. Hume,—declared to be unheard of and inconsistent with monarchical institutions, and incompatible with the existing connexion between Canada and Great Britain. The liberal, the enlightened, the cautious Premier of the British Empire, has given all concerned clearly to understand, that the "power or patronage" defended by Sir Charles Metcalfe, as the inviolable property of the Crown, "was believed to be essential to the good government of Canada, and necessary, if the time should arrive, to maintain the connection between the two countries."

It now remains for every man in Canada to take heed to his ways. In this crisis he is about to stamp his character for future life and prosperity.—The Home Government assents entirely and unreservedly to the Respon-

sible Government Resolutions of September, 1841, but not to the anti-Responsible Government demands of the late Counsellors.—A resistance to the latter, Lord John Russell regards as "necessary for the maintenance of the connexion between this country (Great Britain) and the colony." The question can now no longer be blinked or evaded. Who is for the "maintenance of that connexion," and who is against it? Who is determined to lift up the weapons of resistance against the authorities of the Empire, for the sake of spontaneous, causeless, unconstitutional, avicious demand of party patronage; or respect those authorities whose utmost efforts have been of late years employed for the benefit of Canada, and whose utmost demand is a constitutional government of equal justice for all of her Majesty's Canadian subjects, and not a virtual republican government of party favouritism and party exclusion? Reader, I beseech you to examine the critical ground on which you are treading. One step too far ruined many a poor well-meaning man in 1837. How many wish they had taken more heed to their ways before that period! How many would gladly retrace the steps into which they were unconsciously led. But it is too late. It is not yet too late for even a Toronto Associationist to escape the gathering storm, and hide himself from the overhanging calamities.

I doubt not but Sir Charles Metcalfe will, with his characteristic forbearance and liberality, allow time and opportunity for these conciliations and faithful warnings of the Imperial authorities to be fully understood by every man in the Province; that when the time arrives for drawing the line of demarcation—if it must at length be drawn—by placing all administrative, and judicial, and militia offices of the country in the hands of those only who will maintain the constituted authorities of the Empire, no man may be taken by surprise—that no man may be dismissed from any official situation, without the clearest evidence of his having arrayed himself against the supreme tribunals of the Empire—of his having done so deliberately and wilfully—that there may be no dupes, and no room for the plea of ignorance which many made who were implicated in the movements of 1837.—But I hope the religion, the good sense, the patriotism of the people will duly appreciate the liberal and admonitory counsels of the British Government—that no military provisions, nor Royal proclamations, nor removals from official situations, may be required to sustain the constitution as maintained by the sovereign authority; but that the great majority of all classes will unite to maintain a constitutional and affectionate connexion with the mother country, and a legitimate Responsible Government, upon the principles of equal justice to all classes of her Majesty's Canadian subjects.

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The fifth proposition which I am about to prove is, "That Sir Charles Metcalfe's statements of his views of Responsible Government involve all that is contained in the Resolutions of the House of Assembly, September 3, 1841, and that the criticisms of Messrs. Baldwin, Hincks, Brown, and others, on certain of his Excellency's Replies, are unfair and unjust."

There is not an example in the history of England, since the commencement of the system of Responsible Government in 1688, of any British monarch ever having been called upon to explain his views of that system; of his reverence for it; of his adherence to it.

I have never yet met with an instance in which the monarch attempted to state his views on that system. I have not even found in any History of England, a definition of that system, any more than I have met with a definition of life or matter, or man himself. I have met with descriptions of each from their properties, powers, and operations; but have never learned the essential nature of them.

So I have read descriptions of Responsible Government, but no definition of its essence. I find British Responsible Government where I find the British Constitution and the Common Law of England, not in any report, any act of Parliament, any plans of agreement adopted at a particular time between the Sovereign and the people; but in the pages of British history, and in the practice of the British Government. The definition of any part of a mixed form of Government must necessarily be vague and general. The different parts of such a form of Government, mix with each other and cannot be distinguished or defined with mathematical nicety any more than you can distinguish or define the limits of the different colours in a rainbow. Responsible Government is the practice of that mixed form of government after a certain mode; a practice which incorporates itself with every part of that government, and therefore less capable of an accurate definition than the constituent parts of the government of which it is the operating vitality. Mr. Blake, Professor of Law, did, therefore, make one sensible remark in his famous Toronto Association speech, when he uttered the following words:—"But, Sir, it is said that the question of Responsible Government is undefined; and knowing, as we do, that it is to operate on the ever varying combination of human affairs, we admit that it is incapable of definition—we seek not to define it. But we wholly deny that this principle, because incapable of accurate definition, is therefore of little practical importance or interest to the people of this Province. (Hear, hear, and cheers.)" Yet this very Association, though its orators and organs has denounced Sir Charles Metcalfe, and sought to excite hostility against him throughout the length and breadth of the land, as an enemy of Responsible Government, because he has not accurately defined that which they themselves here admit, by the lips of Professor Blake, to be "incapable of accurate definition." Had Sir C. Metcalfe,

therefore, never attempted to define what he meant by Responsible Government, he would have followed the example of every monarch which has filled the throne of England from William and Mary to Queen Victoria, and would have acted in accordance with the sentiments of Mr. Blake, when he says, "we seek not to define it." But His Excellency has been assailed for months in this Province—and recently by Mr. Roebuck in the House of Commons in England—because he has not given an "accurate definition of the question of Responsible Government." Such is another example of the consistency of party!

Whatever Sir C. Metcalfe has said in explaining his views of Responsible Government, he has gone beyond the example of any British Sovereign—beyond what his constitutional duty required him to do, in order to gratify the wishes and feelings of the people of Canada. The present subject of inquiry is, are his Excellency's expressed views in harmony with the Resolutions of September, 1841? I affirm that they are, for the following reasons:

1. They are declared to be by the great statesmen in England, all of whom recognize these resolutions as the practical basis of Canadian government—all of whom declare the views of Sir Charles Metcalfe to be in harmony with those resolutions, and with the practice of British Responsible Government; that his Excellency, in the quarrel commenced by the late Councilors, has done what a British Sovereign should and would have done in similar circumstances; that the proposal or demand made to Sir C. Metcalfe was such as no minister ever had made to his Sovereign.—Now, one of the Resolutions of September, 1844, declares, "That the head of the Executive Government of the Province, being within the limits of his Government, the Representative of the Sovereign is RESPONSIBLE TO THE IMPERIAL AUTHORITY ALONE." The authority to which Sir C. Metcalfe is "alone responsible" has declared that both his views and practice are constitutional according to the resolutions of 1841. The high court of appeals, then, by which alone the views and practice of his Excellency can be constitutionally judged, has decided that he is constitutionally right. To continue to resist him, therefore, upon the ground of those condemned allegations, is a practical denial of the authority of that court: in other words, is a virtual declaration of independence. Let the reader ponder this all-important fact, and the proceedings of the Toronto Association and its organs.

2. The views expressed by his Excellency on the system of Responsible Government, are regarded by the House of Assembly of New Brunswick and Nova Scotia—including the Reformers of both Provinces—as consistent with the Resolutions of 1841, and as perfectly satisfactory. Mr. Howe—the father of Responsible Government in British North America—moved for the adoption and placing on the journals of the Nova Scotia House of Assembly, the resolutions of 1841, and Sir

Charles' reply to the Gore District Council, as the basis of the system of Responsible Government in that Province, and as containing all that he desired. The Toronto Associationists demand what the Reformers in the other Provinces of British North America do not ask for, and what the Imperial authorities declare is incompatible with monarchical institutions, and with the existing connexion between Great Britain and Canada. This is another trumpet voice fact, which I entreat the reader to consider deeply before he follows the Toronto Associationists another step.

But a careful examination of what Sir C. Metcalfe has stated, will demonstrate the agreement of his views with the resolutions of 1841. First, then, let those resolutions be stated and understood. They are as follows, as quoted by the late Councillors in their communication to the Governor General:

"That the head of the Executive Government of this Province, being within the limits of his Government, the Representative of the Sovereign, is responsible to the Imperial authority alone; but that, nevertheless, the management of our local affairs can only be conducted by him, by and with the assistance, counsel, and information of subordinate officers in the Province;" and "that in order to preserve between the different branches of the Provincial Parliament that harmony which is essential to the peace, welfare, and good government of the Province, the chief advisers of the Representative of the Sovereign constituting a Provincial Administration under him, ought to be men possessed of the confidence of the Representatives of the people, thus affording a guarantee that the well understood wishes and interests of the people, which our gracious Sovereign has declared shall be the rule of the Provincial Government, will, on all occasions, be faithfully represented and advocated."

Such are the resolutions which are called the "Magna Charta" of Canada, and which Sir Charles Metcalfe is charged with having violated in practice and in theory. Let the reader consider their import. Do they involve any thing like the demands which I have shown in the preceding part of this discussion the late Councillors and the Toronto Associationists have made of the Governor General? Do they imply that the Representative of the Sovereign must state beforehand his views as to his future policy in regard to appointments to office, or any thing else?—Do they imply that H. E. must come to some previous understanding with his advisers as to the principle upon which the government is to be conducted? That he is to engage to make only one kind of appointments? That he is to consult only with the leaders of the majority? That he is to have no correspondence with persons on any of the affairs of the Province, except through his "chief advisers?" That he is to make no offer of an appointment without consulting his Council?—That he is not even to have a list of the names of applicants for office, except in the case of the Secretary of the Province?

shall agree to make the influence of his advisers the rule of distributing the patronage of the Crown?

Again, do the above resolutions require or imply that the chief advisers of the representative of the Sovereign should be *Heads of Departments*? I know that Lord Durham's Report recommends it, and that Sir Charles Metcalfe has expressed his own opinion to the same effect. But do the above resolutions—our Magna Charta—the only authority recognized by the Crown or House of Assembly—require it? Do those resolutions require that the "chief advisers" of the Crown shall consist of three, or six, or nine individuals? Do those resolutions require any thing as to the mode of intercourse between the Crown and its advisers?

Furthermore, do those resolutions, interpreted by the practice of men in various and less important positions in society, imply that no act whatever—how ordinary soever—can be performed by the head of the Executive without the formally expressed opinion of the Council? Is not the fundamental principle—the public "guarantee"—in those resolutions this:—That the advisers of the Crown shall consist of men who possess the confidence of Parliament,—having a right to retire from office whenever, in their judgement, the acts of the Executive are not in accordance with the wishes of Parliament, and the Parliament having a right to influence their removal whenever they countenance a policy adverse to the public interests? From this it is, I think, obvious, that the advisers of the Crown should be competent and have the right of offering advice on every act for which they are responsible—a right which the Governor General has as explicitly avowed as any of the late Councillors. But it does not therefore follow—taking usage as an interpreter—that any act performed by the Crown without consulting its advisers, is therefore, unconstitutional. A merchant has an agent or clerk; and strictly speaking, that agent or clerk has no right to perform any act without the sanction of his employer; yet he may perform many acts of which that employer is ignorant until after they are performed; but he is nevertheless responsible for those acts, and in most cases voluntarily adopts them after they are thus performed. And if an agent or clerk can do so as a matter of common usage and necessary convenience, may not a Governor do so without the actual advice of his own subordinate officers? Those officers could assume the acts of the Governor in either of two ways—by recommending them, or by adopting them, after they were performed.—They would act alike voluntarily in both cases; and there would be no more hardship in the one case than in the other. It has been represented as a hardship for a man to be held responsible for an act that he did not advise. It would be so if his responsibility were compulsory. But as an adviser of the Crown, no man need be responsible for an Executive act,—either before or after accomplishment unless he chooses. He can retire from office

any hour spontaneously. But suppose inconvenient their royal vice, and him that—this was for them gagement nothing v i;g contr coming a advisers of their o the Crow invading "tool."

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any hour he pleases. What is done from spontaneous choice cannot be a hardship.—But suppose those officers were to experience inconvenience as well as mortification from their royal master doing acts without their advice, and were to apprise him of it and inform him that on the occurrence of similar acts—this would be right and constitutional; but for them in addition to demand of this an engagement or understanding that he would do nothing without their advice, and even nothing contrary to it when given, would be becoming dictators or stipulators to, instead of advisers to, the Crown—would be going out of their own province and invading that of the Crown—would be insulting its dignity, invading its freedom, and reducing it to a “tool.”

In these remarks I have supposed a case as strong as that which the late councillors have alleged against Sir Charles Metcalfe; and even in such a case, it will be seen that they have not acted constitutionally. But be it recollected that his Excellency denies ever having made an appointment without the knowledge of one or more of his advisers. In a despatch to the Secretary of State for the Colonies, dated December 26, 1843, his Excellency says, “that he did not recollect of a single instance in which he had made an appointment without being previously made acquainted with their sentiments on the subject.”

But let us now consider his Excellency's own words on the subject of Responsible Government—words most explicit, yet most shamefully perverted and misrepresented by his accusers. Not seeking to shield himself under the reserve of prerogative, his Excellency has unequivocally stated his sentiments from the first day of the dispute. In his protest against the late Councillors' intended explanation, he says—“*The Governor General subscribes entirely to the Resolutions of the Legislative Assembly of the 3rd September, 1841, and considers any other system of Government but that which recognises responsibility to the people, and to the Representative Assembly, as impracticable in this Province.*”

This was as much as Lord Sydenham, who wrote those resolutions, ever said—as much as Sir Charles Bagot ever said. Such a declaration from the Crown is all that it could say to any nation or people on such a subject. The late Councillors themselves, in their intended explanation, admit that “*His Excellency disavowed any intention of altering the course of administration of public affairs which he found on his arrival in Canada.*”

Yet have they, notwithstanding, held him up to the public as an enemy of Responsible Government, and as seeking to subvert the constitutional liberties of the people of Canada! Sir C. Metcalfe has in some instances given even a detailed exposition of his views of Responsible Government. I will select and examine the paper which has been the subject of the most unfair and unjust criticism. I refer to his reply to the address of the Gore District.

One phrase of a long paragraph of this re-

ply has been the subject of columns of criticisms in the *Banner* and *Globe* and *Examiner* newspapers, and by Mr. Baldwin and others, whilst they have not so much as alluded to a word of all the rest of the entire paragraph (every word of which I beg the reader to weigh) is as follows: “But if you mean that the government should be administered according to the well understood wishes and interests of the people; that the resolutions of September 1841, should be faithfully adhered to; that it should be competent to the council to offer advice on all occasions, whether as to patronage or otherwise; and that the Governor should receive it with the attention due to his constitutional advisers; and consult with them on all cases of adequate importance; that there should be a cordial co-operation and sympathy between him and them; that the Council should be responsible to the Provincial Parliament and the people; and that when the acts of the Governor are such as they do not choose to be responsible for, they shall be at liberty to resign; then I entirely agree with you, and see no impracticability in carrying on Responsible Government in a colony on that footing, provided that the respective parties engaged in the undertaking be guided by moderation, honest purpose, common sense, and equitable minds, devoid of party spirit.”

Now, after much reflection and careful examination it is my firm belief that the above paragraph contains not only the essentials of responsible government, but a more full, more explicit, more detailed, more practical recognition of that system than is contained either in the naked Resolutions of September, 1841, or in Lord Durham's Report, or even in both documents taken together. Nothing but the most downright party interest, and party feeling, and party criticism, could give it a different interpretation. Well therefore have the Toronto Associationists and their city organs kept out of sight every part of that paragraph except a single phrase; well have they snatched that phrase from its natural connection, and perverted it from its legitimate meaning. The first article of their creed is *party*; and therefore truth and reason, and justice must succumb to party. But suppose the system of interpretation adopted in this instance by Messrs. Baldwin, Hincks, Brown and others, were adopted in interpreting even the inspired Scriptures themselves, what might not those sacred writings be made to say? Suppose even a verse—much more a phrase—were torn from the context, and interpreted irrespectively of that context, what sort of a bible would we have? What sort of doctrines would it teach, or rather would it not teach? Yet such is the principle of interpretation practiced by the accusers of His Excellency in respect to this reply—all others of his replies on which it may not be necessary in this argument for me to dwell.

Let the reader candidly consider what the Governor General *does* say and *does not* say in the above quoted paragraph.

It will be observed that he refers through-

out to his council or advisers, in their collective capacity.

It will be observed, that he carefully and clearly distinguishes between their *competency or right and his obligation* that the former extends to "advice on all occasions, whether as to patronage or otherwise;" that the latter extends to "all cases of adequate importance." Yet has the Governor General been charged throughout with having denied the right of advice to his late Councillors.

It is the phrase "cases of adequate importance," which has been perverted and made so much capital of by the Associationist.—Let us examine it, before we proceed to the other parts of his Excellency's reply. The accusers of his Excellency represent that he is to be the judge of the "cases of adequate importance," and therefore that in the exercise of the undefined discretion which he thus reserves to himself, he can swamp the whole system of responsible government. This I entirely deny. I deny it not merely "upon authority;" but I affirm that his Excellency can be the judge of the "cases of adequate importance" only in the initiatory part of an Executive act, but that ultimately the Council themselves, either in their collective or individual capacity, are the judge of "all cases of adequate importance" in which their advice shall or shall not be given.

In the preceding (fourth) number of this argument I adverted to the fact that *two methods* had been adopted in the distribution of patronage intimated in the following words of his Excellency's protest: He appealed to the number of appointments made by him on the recommendation of the Council, or members of it in their departmental capacity.—Here then, in "cases of adequate importance," the "recommendation of the Council" was given; in "cases not of adequate importance," the recommendation of individual "members of the Council in their departmental capacity" was acted upon: a distinction understood and acted upon by the late Councillors themselves. Now, this distinction the Governor General expressly states in the former part of this same reply to the address of the Gore District Council, and to which he of course refers in the phrase under consideration. He says, "If you mean that every word and deed of the Governor is to be previously submitted for the advice of the Council, then you propose what, besides being unnecessary and useless, (or not of 'adequate importance') is utterly impossible consistently with the due despatch of business." Here then is the very doctrine of the heretical and awful phrase "cases of adequate importance."—Now, what does Mr. Hincks, in behalf of himself and colleagues, say in regard to this very doctrine? In his review of Mr. Viger's pamphlet, page 13, he says—"Every member of the late Council was as well aware as the Governor can be, that it is 'physically impossible to make formal reference to the Council of every matter that comes up for decision;' nor did any of them desire such a system to be practiced. Every act [no conversa-

tion] of the Governor, however, must be communicated by his Secretary, and that Secretary should be a responsible minister thoroughly acquainted with the policy of which he is a member, and capable of advising the Governor on every subject not of sufficient importance [or not of 'adequate importance'] to be referred to the Council. If the Secretary recommends any step, which for his own sake, he will not do, his colleagues will of course hold him responsible to them."

This then is the identical doctrine, expressed in the almost identical words, which the Governor General stated in his reply to the address of the Gore District Council; and the phrase, "cases of adequate importance," in the latter part of that reply, is a mere recognition of that doctrine in his Excellency's avowed course of proceeding with his Council. Neither the Governor General, nor any other person that I have ever heard of, has ever otherwise than professed that "every act of the Governor must be communicated by the secretary, and that secretary a responsible minister;" and I can farther state upon unquestionable authority of that secretary (as he will doubtless state in Parliament), that no act of the Governor has been communicated except by him since the resignation of Mr. Harrison. I have heretofore shewn that it was impossible that any act of the Governor General could otherwise than be communicated by the responsible provincial secretary, as he alone kept the seal of the Province, the stamp of which was necessary to render any decision of the Governor General an act.—That any gentleman can, and doubtless will, state that such has been the invariable practice without exception.

But I am not yet done with this abused phrase "cases of adequate importance." In a preceding number I have shewn that admitting—contrary to fact, contrary to the declaration of his Excellency—the very worst construction that his accusers have sought to put upon his mode of making appointments; supposing him to have decided upon making appointments without knowing the sentiments of any member of the Council (the reverse of which his Excellency states to Lord Stanley) respecting it, his purpose could not become an act except through his *responsible secretary*, according to the doctrine of the late Councillors themselves, as stated by Mr. Hincks in the passage above quoted. On receiving information, or direction as to that purpose or determination, the responsible secretary could, if he thought it not a "case of adequate importance" to require further ceremony, make out the commission and affix the official seal to it; or, if he thought it a "case of adequate importance," he could go and state his views to the Governor General respecting it; or, if he thought it a "case of adequate importance," he could lay it before one or all of his colleagues; and if they thought it a "case of adequate importance," they could send one or two of their number, or go in a body to his Excellency, and offer their advice and remonstrance, and if they thought it a "case of

adequate importance." It is clear that "cases of adequate importance" are not essential to the subordination of the Council to the Governor General.

This memorandum of adequate importance is so much disapproved, and has been made up of mere mention of responsible government by the late Council, and which understanding of the practice of the Council. But party spirit not hesitate to hold of the former—will seize and wrest it from its original construction in order to advance the Dianna of party.

Thus much of the abused phrase, of which I hold all other "cases of adequate importance" to be a mere pause of each of the Metcalfe's reply. I repeat them should be understood with the R. should be false should be complete advice on all occasions or otherwise should receive constitutional cordial co-operation and them BE RESPONSIBLE GOVERNMENT AND THE ACTS OF THE GOVERNOR THEY DO NOT FOR THEIR SINS.

It is impossible to express a more complete system of responsibility than is contained in these words. The accusers of the orator made the slight if they were not as they would be this telling the part of cases this acting with the Government and the Or is this not the necessity of every thing? Would words and actions be representative of

adequate importance," offer their resignation. It is clear then, that the whole question of "cases of adequate importance," is ultimately and essentially in the hands of the Councillors themselves, and only in an initiatory and subordinate degree in the hands of His Excellency.

This memorable phrase, therefore—"cases of adequate importance"—respecting which so much disreputable criticism has been employed, and so many scandalous attacks have been made upon the Governor General, is the mere mention of a fact in the working of responsible government, which, as seen above, the late Councillors themselves have admitted, and which every man of common understanding must admit who knows anything of the practical operations of that machinery. But party selfishness and spirit—as it does not hesitate to stretch forth the hand and lay hold of the forbidden fruit of prerogative power—will seize upon any phrase however just, and wrest it from any connexion however essential to its meaning, and place upon it any construction however arbitrary and unjust, in order to advance the interests of the great Diana of party.

Thus much then on the ever-to-be-remembered phrase, "cases of adequate importance," of which I hope we may hear no more until all other "cases of adequate importance" shall have been disposed of. Let the reader with me pause, and ponder upon the import of each of the other phrases in Sir Charles Metcalfe's reply to the Gore District Council. I repeat them again—"that the government should be administered according to the well understood wishes and interests of the people;—That the Resolutions of September, 1841, should be faithfully adhered to;—that it should be competent to the Council to offer advice on all occasions, whether as to patronage or otherwise;—and that the Governor should receive it with the attention due to his constitutional advisers; that there should be a cordial co-operation and sympathy between him and them; THAT THE COUNCIL SHOULD BE RESPONSIBLE TO THE PROVINCIAL PARLIAMENT AND THE PEOPLE;—AND THAT WHEN THE ACTS OF THE GOVERNOR ARE SUCH AS THEY DO NOT CHOOSE TO BE RESPONSIBLE FOR THEY SHOULD BE AT LIBERTY TO RESIGN."

It is impossible for the English language to express a more complete recognition of the system of responsible government than is contained in these phrases? Yet not one of them have the accusers of Sir C. Metcalfe, or any of the orators of the Toronto Association, made the slightest reference, any more than if they were not in existence! Is this doing as they would be done by? Is this fair?—Is this telling the whole truth? Is this acting the part of candid and truth-loving men? Is this acting with a true regard to good government and the best interests of the country?—Or is this not acting with an utter recklessness of every thing except the Moloch of party? Would the reader like to have his words and acts interpreted as those of the representative of the Sovereign have been in-

terpreted by his accusers? No Governor of Canada has ever avowedly attached so much importance to the Council, and so fully stated the necessity of constantly consulting them, as Sir Charles Metcalfe. So much so, that in his reply to the address of the inhabitants of Russell, his Excellency says—"No Governor could dream of administering the government of his Province without constant consultation with his Council. Every Governor must be sensible of the advantage that he would derive from the aid, advice and information of councillors and heads of departments, in whom he can place confidence. But that is not the question at issue. If it were or if it had been, the country would not have been troubled with the present dispute. The demand of the party now obstructing her Majesty's government is, that the Governor, who is responsible to his Sovereign and the British nation for the welfare of Canada is with respect to the government of this country to be a nonentity, or in other words a tool of any party that may acquire a temporary ascendancy. To this I could not and never can submit. This was the meaning of the stipulations demanded of me, and which my duty to the Crown rendered compliance with impossible."

My conclusion therefore is, "That Sir Charles Metcalfe's statement of his views of Responsible Government, involve all that is contained in the resolutions of the House of Assembly September 3, 1841, and that the criticisms of Messrs. Baldwin, Hincks, and others, on certain of his Excellency's replies are unfair and unjust."

Now, let the reader mark the professed object and real conduct of the leaders of the Toronto Association. In their late address to the people of Canada, they define their object to be as follows:—

"Our object is, that the Governor General should have advisers—that these should have the confidence of the people's Representatives—that they should be strictly responsible for all the acts of the Executive Government while they continue to hold office."

Such is the *professed* object of the Toronto Association. Now has the Governor General denied this? Has he not asserted it in most explicit terms? Why then are the Toronto Associationists at war with him? I answer because their *real* object is as different from their *professed* object as night is from day.—They dare not state their real object in words. Their professed object before the people, is Responsible Government in as moderate terms as Sir Charles Metcalfe has employed. Their real object—as interpreted by their stipulating demands upon the Governor General—is Responsible Government in a sense that would make the Crown a "tool" in the hands of a party; or in a sense, as the Imperial Government emphatically declare, would make "Canada an independent republic." Hence the moderation of their acts, as at war with the Governor General and Her Majesty's Government. Actions speak louder than words. The words of the Associationists prove what I have stated, that the Governor

General avers and maintains all that the people of Canada understand by Responsible Government; the past and present actions of the late Counsellors prove all that the Governor General has alleged respecting them. If they have no other object in view than what they have above explained, they have no cause for war with the British Government. Their being at war with the British Government, proves that they have some ulterior object in view.

A few words in reply to objections. It has been objected that his Excellency had observed, shortly after his arrival in Canada, an "antagonism" between him and his late advisers on the principle upon which the patronage of the Crown should be distributed, and that he never disclosed it until the interviews which took place on Friday and Saturday the 24th and 25th of November. This is most honorable to his Excellency, and is one of the circumstances of his public life that will enhance his reputation in the estimation of the future historian. Few British monarchs have been so considerate of the feelings and influence of their advisers as not to let it be known when their feelings were hostile to the policy recommended by those advisers. Even "good Queen Anne" did not hesitate to let it be known that she regarded the advisers whom she disliked as her "enemies," nor did the Georges, First, Second, Third, and Fourth, conceal their "antagonism" with certain advisers and ministries, to whom personally, or to whose policy they were opposed. It was notorious throughout the nation that there was an "antagonism" between William IV and his advisers, from 1832 to 1837, that he availed himself of the opportunity that presented itself, in 1834, to get rid of them; that though they were restored, and continued in office until his death, yet that during the three first years of his life especially, his "antagonism" with them was inveterate, and the papers teemed with "public rumours," and even examples of it. In England, such as "antagonism" or even "public rumours" of it, has never been considered a sufficient ground of ministerial resignation, or even of public complaint.

As long as a minister's advice, as to acts, is so far assented to by the Crown as to enable him to retain the confidence of Parliament, he continues in office and counsels the affairs of the nation, whatever may be the personal feelings of the Sovereign, or the "public rumours" of his feelings. But did Sir Charles Metcalfe subject his late advisers to such a disadvantage? Suppose that he had avowed this "antagonism" against conducting the government upon party principles, as to the distribution of patronage shortly after he had arrived in Canada, would it not have given a great advantage to their opponents? Did not the late Counsellors make use of his Excellency's name in every form to strengthen themselves and weaken their adversaries? When then did his Excellency acknowledge and avow this "antagonism?"—Only when the late Counsellors, not content

with advising him on acts and measures, announced to him formally the principle of party government in the distribution of patronage, and demanded of him to enter into a stipulation, or, as Mr. Hincks expresses it, "come to an understanding on certain points," that he would not in future make "appointments prejudicial to their influence." His Excellency refused to come to such an understanding; and then, and not till then, did he express his "antagonism" to the principles of party patronage, which he had observed governing their recommendations to office from his first arrival in the Province, but to which his formal assent was then for the first time demanded. Hitherto, without discussing or alluding to the party principle which he had noticed influencing their advice as to patronage, he had considered each case on its merits, and sought to meet the wishes and support the influence of his advisers, as far as possible, both in abstaining from and in making appointments. But when the principle—the newly avowed, the false and unchristian principle—was brought before him for his sanction, that the prerogative might be bound to the car of party, he avowed his "antagonism" to the principle, and asserted, on behalf of his Sovereign and her Canadian subjects, the prerogative of justice and impartiality to all classes and parties.

With what commanding dignity an authority to the conscience and soul of uncorrupted man, does this parental and divine principle, this principle avowed and contended for by Reformers in Canada during the last twenty years—contrast with the selfish, the ignoble and ignobling principle laid down by Mr. Hincks as the fundamental principle of (his) representative government, when in reference to this very antagonism, he says in his third letter to the London Morning Chronicle, "I admit the good intentions of the Governor, but I am firmly persuaded that no representative government can be conducted unless on party principles." Where the principles of a government are party, their party must be the first interest in the state, and where party is the first interest in the state, the Lord have mercy upon all who are not of the dominant party, and away with the prerogative. This doctrine is the very antipodes of constitutional monarchy—does not even attain to the virtue of republicanism—and is the very essence of oligarchy and democracy—the democracy of Athens when ostracism was in the ascendant—the democracy of England when Cromwell seized the crown—the oligarchy of Athens when the Thirty Tyrants ruled—the oligarchy of England when the Earl of Leicester and twenty-three others got the prerogative in their own hands, by exacting a "stipulation" to that effect from the feeble Henry III. It is the doctrine of "might gives right." But of this government "on party principles," more in another number.

It has also been objected, that his Excellency did not act courteously towards his late Counsellors, and that he sought to undermine and destroy their influence. The last part of

this object in the removal of the late Counsellors, is to receive a mandate from the Sovereign towards his late advisers at the time of their removal, and to the satisfaction of themselves for the purpose of the first letter in the following words:

"The only colleagues of his Excellency, is of COURTESY, up to the late Council."

And if this was such to his gratification, feeling, no one ever tried Council with

Then, as to undermining late advisers, considered: 1. In Canada to kill "antagonism" whatever down to the

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this objection has received a partial answer in the remarks just made, but shall presently receive a more full answer. As to the courtesy of Sir Charles Metcalfe's conduct towards his late advisers, their own testimony at the time of their resignation is ample refutation of the insinuations which some of themselves have subsequently made for "party purposes." Mr. Hincks concluded his first letter in reply to Mr. Buchanan, in the following words:

"The only feeling that I, or any of my late colleagues can entertain towards his Excellency, is one of gratitude for the UNIFORM COURTESY with which we were treated by him, up to the last moment that we held office."

And if the courtesy of Sir Charles Metcalfe was such towards Mr. Hincks, as to command his gratitude, to the exclusion of every other feeling, no one will believe that his Excellency ever treated any other member of his Council with discourtesy.

Then, as to his Excellency's having sought to undermine and destroy the influence of his late advisers, let the following facts be considered: 1., His Excellency suffered no man in Canada to know that he had any "antagonism" whatever with them on any subject, down to the very eve of their resignation.—2. When they were reflected upon in an address from some part of the Home District, his Excellency repelled the reflection, to the great annoyance of the then opposition press in Canada, threw over them the shield of his protection as "eminent individuals" possessing his confidence and that of the country—in return for which some of those "eminent individuals" have smitten his Excellency with the charge not only of despotism and tyranny, but even of *willful* falsehood. The Governor General had said that the late Council sought to reduce the Governor to the condition of a cypher; to which Mr. Hincks has replied, that "No one knows better than Sir Charles Metcalfe himself, that the late Ministry neither attempted nor desired to reduce the Governor to the condition of a mere cypher."—3. The Governor General has exercised the patronage of the Crown to an amazing extent in favour of the influence of his late advisers. They desired to strengthen their power in the Legislative Council; as a direct public compliment and favour to Mr. Baldwin, His Excellency recommended the elevation of Mr. Baldwin's venerable and venerated father to the Legislative Council.—His Excellency also recommended the elevation of several others of the party of the late Councillors, and amongst others, the famous Captain *Æmilius* Irving, who has characteristically returned this act of his Excellency, by not merely opposing his measures, (which he has an undoubted right to do,) but by becoming the most violent and abusive of his Excellency's assailants. Further, as a *general* rule his Excellency has distributed the patronage of the Crown so as to favour the influence of his late advisers. The instances in which he has dissented from their advice, have been the *exceptions* to the general rule,

and of minor importance. My proof of this assertion is as follows:—His Excellency asserts it in his protest; his late advisers did not deny it. In some of the addresses presented to His Excellency, the partial distribution of patronage in favour of the party of the late Council, was strongly complained of, which called forth the following remarks from his Excellency, in his reply to an address from Scarborough:—Your complaint of the distribution of the patronage of the Crown for party purposes, during the time when the gentlemen of the late Executive Council were in office, bears testimony to the extreme attention which, whether I was right or wrong in so doing I paid to their recommendations; and yet, strange to say, while I have been accused of subservience to their party exclusiveness, the alleged ground of their resignation was, that I presumed to use my own discretion, in the exercise of that branch of the Royal Prerogative; and on that pretence alone, they and their partizans have since endeavoured to excite the people to personal hostility against me, by unfounded assertions of my denial of that system of responsible government, to which I have repeatedly declared my adherence." And, as to the character of the appointments not of the party of the late Council, great efforts have been made to magnify their importance. But to these a hundred times reiterated statements I will oppose the testimony of the Honourable R. B. Sullivan, President of the late Council, who, in his explanatory speech in the Legislative Council, November 30, expressed himself thus:—"THE APPOINTMENTS CERTAINLY WERE TRIFLING." These five words from the ex-Councillors themselves, by the mouth of their President, more than nullify their five and twenty columns of their subsequent declaration against Sir Charles Metcalfe, for having preferred their opponents to every important situation. From their own confession, it is clear that the important appointments were given to their friends, and the only appointments of which they could complain "certainly were trifling." Had the Governor General sought to damage the influence of the late Council, he would have certainly conferred upon their opponents other than "trifling appointments." This acknowledged fact, proves to a demonstration that his Excellency paid the greatest respect to the advice of his late Councillors, that he gave the *bread* of the Crown patronage to their friends, and only bestowed upon their opponents a few "trifling" crumbs. Yet with more than a Jewish selfishness and exclusion, they cannot suffer a Gentle dog not of their party, to receive a crumb from their royal master's table. Nay, "to make assurance doubly sure," that royal master must "come to an understanding" with them, that he will hereafter not even bestow a crumb, *except by their consent*.

It has, however, been alleged, that the Governor General offered the important office of Speaker of the Legislative Council to an opponent of the late Councillors. This is not

true, though it has often been stated. The Governor General offered that office to a friend and defender of the late Councillors; but not to an opponent. The gentleman with whom the Governor General first conversed respecting that office, having declined being a nominee for it, his Excellency intended to have conferred with a gentleman whom the late Councillors have represented as their opponent—a gentleman who had not only been a member but a speaker of the House of Assembly—who had long been a Judge of the Supreme Court of the land—who had been elevated to the Legislative Council during the incumbency of the late Councillors themselves—who had only differed with them on one question—the Seat of Government—and who had made a far less elaborate and less vehement speech against them on that question than the Chairman of the Toronto Association himself. But the Honorable Judge Sherwood had left Kingston, and his Excellency's intended conversation with him never took place.—But will the reader believe it?—and I state it advisedly, upon the best authority—the Governor General himself, in the interviews on the memorable Friday and Saturday, stated this fact to his late Councillors, in all the frankness of an upright and ingenuous man; and they now lay hold of what his Excellency himself informed them he had intended to do, as a charge against him that he has violated the constitution of Canada!

Let it also be borne in mind, that the Speakership of the Legislative Council has never yet been determined or even held to be a political office; that it was determined otherwise in the appointment which Lord Sydenham had made; that it is a very grave, as well as undefined question, whether the Speaker and Members of the Legislative Council are to be the mere nominees of the House of Assembly, through its responsible representatives in the Executive Council: whether in that case the Legislative Council would be a third estate of the Canadian realm, or the mere echo of the House of Assembly; whether under such circumstances, it would not be more honourable to be a member of the House of Assembly than to be a member of the Legislative Council; whether in such a case, the Legislative Council would be worth having; whether the Legislative Council ought not to be as independent of the House of Assembly, as the House of Assembly is of the Legislative Council; whether, in all the appointments relating to the Legislative Council, the principle of its own independence of the Assembly ought not to be recognized and acted upon; whether this grasping after patronage indicated in those declamations about the appointment of a Speaker to the Legislative Council, is not another proof of the desire and effort of the late Councillors to get every branch of the Constitution under their own feet; whether it would not have appeared more dignified, and constitutional, and liberal for them to have avowed, that they desire to interfere as little as possible with the exercise of the Prerogative

in regard to the Legislative Council; that as they had brought in a bill with a professed view to secure the independence of one branch of the Legislature, they wished to act upon the same principles in regard to the other co-ordinate branch.

There is, however, an important and exclusive fact, relative to the appointment of Speaker of the Legislative Council, which has not yet been adverted to. The appointment having been referred to in the Legislative Council after it took place, Mr. Sullivan informed that Honourable body, in explanation and justification of the proceeding, that his Excellency's advisers had laid before him the names of several gentlemen, as acceptable to them for that office, and amongst those names was that of the Honourable gentleman whom his Excellency had been pleased to appoint.—This proceeding took place more than a fortnight before the resignation, during which time no dissatisfaction was expressed to his Excellency or the Legislature on the subject. After having thus continued in office; thus by silence (at least to his Excellency and to the Legislature) concurred in what he had done; after having explained it to the Council and to the country in satisfactory and approving terms, the late advisers, as soon as they are out of office, arraign his Excellency before the country, for a proceeding to which themselves had thus been acquiescing and approving parties. This is another example of political repudiation unparalleled in constitutional history, and only equalled by those similar acts of the late Councillors, that I pointed out in the fourth number of this argument.

There is still another act of the Governor General which has been reiterated times without number as damaging to the influence of the late Councillors. It is the appointment of Mr. Powell, as Clerk of the Peace in Dalhousie District. This is their great case, which determined them to go to his Excellency with their demands. Now, although the merits of this or any other appointment has nothing to do with the great question at issue, yet as the late Councillors have selected it as their strongest example against the conduct of his Excellency, I have no objection to join issue with them on this single case, and leave the country to judge between them and the Governor General. What I shall now state respecting this case is derived from a supporter of the late ministry, and from a gentleman of the Johnstown District of the highest respectability—a free church Presbyterian, a man of most liberal sentiments, who accompanied the widowed mother of Mr. Powell, from Brockville to Kingston, on her journey there to apply for the vacant office in question, to be given to her only surviving son, on whom she and two daughters were entirely depending for the necessities of life. It should be observed that the rival applicant for office, who was recommended by the late Councillors, was not in necessitous circumstances that the father of Mr. Powell had come from Ireland into the Bathurst District with

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considerable property,—had been the principal founder of one of the settlements of that district,—has like many of his generous countrymen, exhausted his means, and become embarrassed in his circumstances—was appointed sheriff of that district, and died in debt; that his eldest son succeeded his deceased father in the office, and to him the family looked for support; that son died also, leaving a younger brother nearly of age, and nearly through his legal studies, as the only earthly prop of his mother and support of his sisters. That mother, not contented with having transmitted a written application, came it person to Kingston to lay her case before the Governor General. Her son was not a member of any secret society, and too young to be regarded as a political character. Here then were the cases of two candidates laid before the Governor General—both equally well qualified for the office applied for. In behalf of the one pleaded *political party purpose*—the “principle of government on party principles”—in behalf of the other, pleaded the wants of the widow and the fatherless. Which plea was the more likely to affect the tender and generous breast of Sir Charles Metcalfe?—To which plea was he the more likely to listen, to the tears of the destitute widow, or the ex-Councillors’ relentless doctrine of party patronage?

The case is above reasoning. Humanity is rather disposed to weep over the shrivelling and heartless selfishness of party, than to defend his Excellency in such a case—to execrate a system of policy that extinguishes every feeling of individual generosity, rather than vindicate an act which ought to call down a country’s spontaneous blessings upon the head of its author. If HE whose example is not beneath the imitation of parties, any more than of Governors, went with orphan sisters at Bethany, and raised the son of the widow of Nain, that he might support and comfort his mother, is Sir Charles Metcalfe to be pilloried and ostracised as the enemy of Canada for acting *against* the advice of party, in order to confer upon a widow’s son a “trifling appointment,” that he might minister both to his mother, and his sisters? I believe there is a HEART as well as a head in Canada; and I mistake the sympathies of that heart if they do not embrace that man as the friend of the country and the just guardian of constitutional rights, who prefers exercising the prerogative of the crown for the relief of the widow and the fatherless, rather than prostitute it at the demon-shrine of party patronage.

Reader, was your mother that widow, and you her only son and support, and was you qualified for that situation, what would you think of the Governor who would exercise the lawful prerogative to enable you to support her, and what would you think of the system of government that would proscribe you because you were not of the dominant party?

Upon the appointment therefore even of Mr. Powell—the case of the late Councillors—I

fearlessly appeal to the justice of patriotism, the humanity of honest men of all parties in Canada, to support his Excellency and her Majesty’s government against the crusade of the late Councillors, and against the *unprincipled* principle of exclusive patronage.

Thus much, then upon the views of the Governor General—professedly and practically—on the system of Responsible Government, as enunciated in the House of Assembly’s resolutions of September, 1841.

I might here dismiss the subject, confident of an honest country’s decision upon it. But I will add an illustration from British practice—all the late Councillors say that they desire. I will give then, instead of the alleged unconstitutional practice of Sir Charles Metcalfe, the acknowledged constitutional practice of George the Third of blessed memory. The reader may easily judge, as he attentively peruses and weighs the facts, whether there would not have been a revolution in England had the late Councillors been Ministers, and had they George the Third as head of the Government, instead of Sir Charles Metcalfe. I give those facts not as to what ought to be, but to show what *has been British practice*; and with these facts, and the elucidation of the principle, as suggested by them, I will conclude the present number, feeling that the importance of the subject is an ample apology for the length of the following extract from Lord Brougham’s Historical Sketches of Statements,—Article George 3:—

“George 3 was impressed with a lofty feeling of his prerogative, and a firm determination to maintain, perhaps extend it. At all events, he was resolved not to be a mere name, nor a cipher in public affairs; and, whether from a sense of the obligations imposed upon him by his station, or from a desire to enjoy all its powers and privileges, he certainly, while his reason remained entire, but especially during the early period of his reign, interfered in the affairs of government more than any prince who ever sat upon the throne of this country since our monarchy was distinctly admitted to be a limited one, and its executive functions were distributed among responsible ministers. The correspondence which he carried on with his confidential servants during the ten most critical years of his life, lies before us, and it proves that his attention was ever awake to all occurrences of the government. Not a step was taken in foreign, colonial, or domestic affairs, that he did not form his opinion upon it, and exercise his influence over it. The instructions to ambassadors, the orders to governors, the movements of forces down to the marching of a single battalion in the districts of this country.—The appointments to all offices in church and state, not only the giving away of judgeships, bishoprics, regiments, but the subordinate promotions, lay and clerical; all these form the topics of his letters; on all his opinions are pronounced decisively; on all his will is declared pre-emptorily. In one letter he decides the appointment of a Scotch pulser judge; in another the march of a troop from

Buckinghamshire to Yorkshire; in a third the nomination to the Deanery of Worcester; in a fourth he says that, "if Adam, the architect, succeeds Worsley at the Board of Works, he shall think Chambers ill used."

"For the great affairs of state it is well known how substantially he insisted upon being the King *de facto* as well as *de jure*."

"That such a Sovereign was, for the servants he confided in, the best possible master, may well be supposed. He gave them his entire and hearty support. If he kept a watchful eye over all the proceedings both of parliament and the country; if we find him one day commenting on the line taken in debate as 'dangerous,' at another as 'timid and vacillating,' or discussing the composition of the majority, or its numbers upon the division, or suggesting that the journey of Mr. Fox to Paris should 'make the different departments bring on all their business before he comes back, as we shall have much less noise for the next three weeks;' or expressing his conviction that 'the Speaker's illness is feigned, and all to let the opposition have their pleasure at New-market;' he also asks, 'Who deserted you last night that you thought you had a right to count upon? Give me their names that I may mark my sense of their behaviour at the drawing-room to-morrow;' and again, 'if the utmost obsequiousness on my part, at the levee to-day, can gain over Mr. Solicitor General to your views, it shall not be wanting.' This was indeed efficiently supporting a favourite ministry; and when he had one forced upon him, his whole conduct was the reverse; all his countenance being given to their antagonists, until the moment arrived when he could safely throw them out."

"The first impression which such conduct makes is unfavorable to the monarch, and may at first sight give rise to an opinion that it was unconstitutional. But further reflection makes this somewhat doubtful. The question is 'Does the King of this country hold a real or only a nominal office? Is he merely a form, or is he a substantive power in our mixed and balanced constitution?' Some maintain, nay, it is a prevailing opinion among certain authorities of no mean rank, that the sovereign having chosen his ministers, assigns over to them the whole of the executive power.— They treat him as a kind of trustee for a temporary use, to preserve, as it were, some contingent estate; or a provisional assignee, to hold the property of an insolvent for a day, and then divest himself of the estate by assigning it over. They regard the only power really vested in the Crown to be the choice of ministers, and even the exercise of this to be controlled by the parliament. They reduce the King more completely to the condition of a state pageant or cypher than one of Abbe Sieyes's constitutions did, when he proposed to have a Grand Functionary with no power except to give away offices; upon which Napoleon, then first consul, to whom the proposition was tendered, asked if it well became him to be made a "Cochon a Pengrais" la

somme de trois millions par an? (a hog to be fattened at the rate of £120,000 a year.) The English animal, according to the above doctrine, much more nearly answers this somewhat coarse description; for the Abbe's plan was to give his royal beast a substantial voice in the distribution of all patronage; while our lion is only to have the sad prerogative of naming whosoever the parliament chooses, and eating his own mess in quiet."

"Now, with all the disposition in the world to desire that the Royal prerogative should be restricted, and the will of the nation govern the national affairs, we cannot comprehend this theory of a monarchy. It assigns to the Crown either far too much revenue, or far too little power. To pay a million a year, or more, for a name, seems absurdly extravagant. To affect living under a kingly government, and yet suffer no kind of kingly power, seems extravagantly absurd. Surely the meaning of having a sovereign is, that his voice should be heard and his influence felt in the administration of public affairs.— The different orders of the state have a right to look towards that high quarter all in their turn for support, when their rights are invaded by one another's encroachments, or to claim the royal umpirage when their mutual conflicts cannot be settled by mutual concessions; and unless the whole notion of a fixed monarchy, and a balance of three powers is a mere fiction and a dream, the royal portion of the composition must be allowed to have some power to produce some effect upon the quality of the whole. It is not denied that George III. sought to rule too much; it is not maintained that he had a right to be perpetually sacrificing all other considerations to the preservation and extension of his prerogative. But, that he only discharged the duty of his station by thinking for himself, according to his conscientious opinion, and using his influence for giving those opinions effect, cannot be denied unless those who, being averse to monarchy, and yet dreading a common-wealth, would incur all the cost, and all the far worse evils of a form of government which they think the worst, rather than seek for a better, and would purchase the continuance of the greatest evils at the highest price, rather than encounter the risk of change."

"George 3 set one example which is worthy of imitation in all times. He refused to be made a state puppet in his ministers' hands, and to let his name be used either by men whom he despised, or for purposes which he disapproved. Nor could any one ever accuse him of ruling by favorites; still less could any one, by pretending to be the people's choice, impose himself on his vigorous understanding."

NUMBER VII.

The sixth and seventh propositions are so intimately connected (the first of the latter being a corollary, or the converse of the former,) that I purpose to discuss them both in this number. They are as follows:

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That his Excellency's avowed practical policy in the administration of the Government, is precisely that which was professed by the late Councillors twelve months ago, and which has been demanded by all shades of Reformers during many years.

"That the policy of government now advocated by the late Councillors is that which they have heretofore repudiated, and which must prove injurious to the intellectual and moral improvement, the happiness and best interests of the people of Canada.

As to the nature of his Excellency's avowed practical policy in the administration of the government, his accusers,—in the tract published by the Toronto Association, quoted in the fifth number,—represent it thus:—"The Governor declares in almost every one of his answers to addresses, *that the appointments are to be made without reference to party considerations.*" The sum of all his Excellency's declarations is, that the government shall be administered impartially, without reference to religious creed or the population—that the appointments to office shall be made upon the ground of qualifications to render efficient services to the state, and not upon the ground of party connexions.

Proof in detail upon a point so well known and so universally admitted, is as unnecessary as it would be to prove that it is light at noon day. Such I assume then to be the Governor General's avowed practical policy in the administration of the Government—the principle of justice as its basis, and IMPARTIALITY as its rule of practice. That a Governor should be held up as an enemy to the country for avowing such a principle and rule of government, is one of the most extraordinary phenomena of Canadian history.

The next point is, what was the principle and rule of government formerly professed by the late Councillors, and I may add by the Reformers generally? The Upper Canada section of the late Councillors (and I have written throughout for the people of Upper Canada; I have never pretended to understand or judge things in Lower Canada,) have always professed the adherence to the principle and rule of government avowed by the earl of Durham and Lord Sydenham; and the late Councillors of Lower, as well as Upper Canada, have professed their adherence to the principle and rule of government proclaimed by Sir Charles Bagot. The favourite phrase and avowed doctrine of Lord Sydenham was, "*equal and impartial justice to all classes of her Majesty's subjects.*" It is known that Lord Sydenham professedly acted upon this principle not merely in legislation, and his appointments to office throughout Upper Canada, but in the selection of his Councillors. It is known that Mr. Baldwin took office under Lord Sydenham upon that principle, and came before the electors of Upper Canada, under the auspices of Lord Sydenham—as an officer of his Lordship's (even as to the composition of his Council) non-party government. In confirmation of this, I beg to state the following facts. When Mr. Draper and

Mr. Baldwin (the former Attorney, and the latter Solicitor General) were announced as candidates previously to the elections of 1842, Mr. Hincks, then Editor of the *Examiner*, denounced Mr. Draper and supported Mr. Baldwin, and yet professed to be favourable to Lord Sydenham's administration. In consequence of this, as my views of Lord Sydenham's policy were known, I received a letter from one of the officers of his Lordship's household, containing the substance of the following paragraph, (including the capitals) in an article written in reply to Mr. Hincks headed "On opposing and supporting the government," published in the *Guardian*, April 15, 1840.

"Now, we assert advisedly, that the Governor General attaches equal importance to the return of Mr. Draper and Mr. Baldwin: and that opposition to the one as well as the other, under whatever pretence it may be got up, is *EQUAL* opposition to the Governor General's administration. Parties and party spirit have nearly ruined the country; the object of the Governor General is, to abolish parties and party feelings, by uniting what is good in both parties. Therefore, the moderate of both parties, who possess superior qualifications to others, ought to be supported; and the violent extremes of both parties ought to be rejected as the enemies both of the government and the country. Adopting this course will be supporting the government; pursuing the opposite course will be opposing the government. Every man has a right to support or oppose the government as he chooses; but every man ought to know when he is doing one or the other." "We assure our readers and all concerned that *both* the Attorney General and Solicitor General are *bona fide* government candidates, and that opposition to either of them is opposition to the administration of the Governor General."

Such was the avowed principle and object of Lord Sydenham's administration, of which Mr. Baldwin would be doing more good for his and my native country, were he promoting the same object now, instead of fanning the flames of party conflagration by means of the Toronto Association. I think there is precisely the same or even stronger ground for the people of Canada to support Sir Charles Metcalfe now, than Mr. Baldwin had to join the administration with Mr. Draper, and Mr. Ogden and Mr. Day, in opposition both to Mr. Baldwin and Mr. LaFontaine.

But look at that principle and rule embodied in the whole composition of Lord Sydenham's Council and in the entire administration of his government and mark the sentiments of the *Reform Press of Upper Canada* respecting it. The following description which I gave of it at the time of Lord Sydenham's death, has been admitted on all hands to have been correct; "It has been said of his Lordship, as it was said of the earl of Chatham, that he 'had made an administration so checkered and speckled—had put together a piece of joinery so crossly indented and so whimsically dove-tailed; a cabinet so various-

ly inlaid ; such a piece of diversified mosaic, such a tasselled pavement without cement ; here a bit of black stone, and there a bit of white ; patriots and courtiers ; king's friends and republicans ; whigs and tories ; treacherous friends and enemies ; that it was indeed a very curious show, but utterly unsafe to touch, and unsure to stand on." But Lord Sydenham's acute discernment distinguished between the former and present state of things ; he knew that a difference of opinion or of party under the former constitution of Upper and Lower Canada, did not necessarily or fairly involve a similar difference under the new constitution of United Canada ; he possessed the requisite energy and patriotism to act upon his own convictions, and commenced the illustration of his advice to obliterate the differences of the past, by selecting his advisers and public officers according to individual fitness and merit, irrespective of former personal opinions or party connections. Few administrations of government in any country have acted so harmoniously and cordially on so great a number of important measures as the new administration formed by Lord Sydenham."

Now, what did the *Reform press* of Upper Canada say of a government thus constituted, and a government thus conducted "without reference to party considerations ?" In passages which I have heretofore quoted, Mr. Hincks has pronounced such a government, incompatible with representative institutions and such appears, is the doctrine of the present organs of the Toronto Association. But what did Mr. Hincks say in his *Examiner*, the last week in September, 1841 ? He said "The principle of Responsible Government has been fully recognised. The members of the administration, all of whom were heads of departments, distinctively avowed on the floor of the house, their responsibility to Parliament for the measures of Government. They acted together in perfect harmony and concert in regard to those measures, and although there were occasional deviations from British practice, yet that practice was always acknowledged as their rule, and a more strict adherence to it in future may be anticipated.—Whatever political differences there may have been in the house it was felt by every one that there was an administration, and that its existence depended on a parliamentary majority. Were we to pause here we feel that we should have said enough to prove that the name of Lord Sydenham should ever be held in grateful remembrance by the people of Canada. But we are bound further to acknowledge, that we are indebted to the energy and practical talents of his Lordship for the most important measures of last session, more particularly for the magnificent scheme of public improvements, and the favourable arrangements relative to our debt.—It is not, in all probability, at the present moment that full justice will be done to the administrations of Lord Sydenham, although, as far as the press is an indication of public opinion, there has never, we believe, been a

more general expression of regret for the loss of any public man. Widely extended, however, as is that feeling, it will we are assured, be much more so after the lapse of a few years. The existing political asperities will then have entirely subsided, and Lord Sydenham will only be remembered as the founder of our constitution, and as the individual who brought into practical operation that sound British Responsible Government by means of which alone the connexion between the colony and the parent state can be preserved."

In this passage, (the most material sentences of which I have italicised,) Mr. Hincks declares that Lord Sydenham "brought into practical operation the sound British principle of Responsible Government," that his Lordship was actually the "founder of our constitution," and is entitled as such, to the lasting gratitude of the people ; Mr. Hincks, also, in the language of praise represents Lord Sydenham not only as entertaining opinions of his own, but as acting an efficient part in the measures of the administration. Now why does Mr. Hincks denounce Sir Charles Metcalfe for doing, what he praises Lord Sydenham for doing ? If Lord Sydenham "brought into practical operation the sound British principle of Responsible Government," and yet his government was non-party, not merely in respect to its administration, but in respect to its very composition, why is Sir Charles Metcalfe proclaimed as an enemy to the "representative system of government," merely because he insists upon impartiality in appointments to office ? Was there ever more gross inconsistency, self-contradiction, and injustice, than is thus exhibited in the former and present conduct of Mr. Hincks ?

Nor is Mr. Hincks alone in an unbiassed testimony in favour of Sir Charles Metcalfe. The sturdy and scolding *Kingston Herald* has been wont to bear the same testimony in his better days. Of Lord Sydenham's policy he said—"As a statesman, he was undoubtedly, wise and prudent ; for, however some, who have heretofore basked in favour, may complain of neglect to them and of promoting others whom they looked upon with prejudice, yet sure we are, nothing else could have secured peace ; and peace secured, this noble province needs but time to be prosperous and happy."

Why then does the *Kingston Herald* make war upon Sir C. Metcalfe for avowing a policy, which the *Herald* says, in Lord Sydenham, was wise and prudent and secured peace ?

The *London Canada Inquirer* also—now so fierce against Sir Charles Metcalfe and his defenders—has recommended Lord Sydenham's example to his Excellency's imitation :—"His (Lord Sydenham's) views of the government of Canada, were formed on shrewd observation and deep reflection, and whoever his successor may be we are confident they cannot adopt a better chart for their guidance, than may be gleaned from the course he has taken, and the instructions he may have left.

A system of views will not

The chart has been adopted in accordance with the declaration of the that same Inquirer? Whence less liberal Government? 1841? Why party government? justice government?

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A system of government based on less liberal views will not succeed in Canada.

The chart laid down by Lord Sydenham has been adopted by Sir Charles Metcalfe, in accordance with the "confident" recommendation of the *Canada Inquirer*. Why then is that same *Inquirer* in arms against his Excellency? Why does the *Inquirer* advocate a less liberal Government now than in October, 1841? Why does he advocate an exclusive party government now, instead of an equal justice government?

To complete the catalogue of this class of Upper Canada papers, we have the now vociferous *Hamilton Journal & Express* more admonitory and impressive than the *Canada Inquirer*, the *Kingston Herald*, or the *Examiner*, in favour of non-party and equal justice government. In its constitutional and healthy condition, the *Hamilton Journal & Express* spoke and taught thus: "Lord Durham's Report, that admirable theory of political government, was the text book by which Lord Sydenham was guided; and the peculiar sagacity with which he applied principles, hitherto considered as adapted only to British practice, in the administration of Canadian government, entitle him to a place in the catalogue of benefactors of this Province, superior to all that have gone before him, and, we believe, not inferior to any that may follow. The great principle of Responsible Government, so liberally conceded to this Province by the British ministry, although evidently necessary in the administration of Canadian affairs, still required much patient and correct attention to ensure its peaceable and successful application. For, harrassed as he was on the one hand, by the violent opposition of the factious, the disappointed, and the bigotted; and but feebly supported on the other by those who,—although every consideration of duty and interest should prompt them to active exertion, remained in slothful apathy,—Lord Sydenham had difficulties to contend with at the commencement of his career in this Province which few men but himself could have surmounted." The wisdom and justice of his Lordship's Government are now universally acknowledged, and those who opposed him when alive—and they were few indeed—now that he is dead, find it difficult to justify the cause of their opposition. Every sectional difference has been laid aside to do him honour. In the same spirit, then, let it be known to his successor, that to preserve tranquility, to increase trade, to support agriculture draw out the resources of the country, and make Canada an united and happy people, the policy of Lord Sydenham must be continued."

Now what is this non-party policy of Sir Charles Metcalfe but a continuation of the non-party policy of Lord Sydenham in respect to Upper Canada, and a policy generous beyond that of Sir Charles Bagot, in respect to Lower Canada? Yet is the *Hamilton Journal & Express* at war with his Excellency almost "to the knife."

I have made these quotations from a pam-

phlet published by Mr. Hincks in the latter part of 1841, containing the notices of Lord Sydenham and his government "by the press of British America." It will be recollected that these passages contain not merely personal references to Lord Sydenham but deliberately expressed opinions of the system, the constitution, the policy, and the merits of his government—a government, be it also remembered, which had Mr. Draper for Attorney General, and Mr. Harrison for Secretary, for Canada West, to which Mr. Baldwin was in opposition. Are Messrs. Draper and Harrison less liberal now than they were in 1841? And is Sir Charles Metcalfe less liberal than Lord Sydenham? And is that policy of government which was held up by those journalists as the only salvation of Canada in 1841, to be deprecated and resisted by them as the sure destruction of Canada in 1844?—When you compare the present and former sentiments of these journalists and consider them as the organs of a party, one cannot help exclaiming, what a weathercock is Canadian party, and what weathercocks are Canadian party men! When the leaders of party were seeking for power, then party patronage government was denounced, and an equal and impartial administration was the only constitutional government for Canada; but no sooner do they gain the ascendancy in power, than we are told that there is no constitutional government for Canada except a party patronage government!

It is surprising then, that Sir Charles Metcalfe having the pamphlet from which I have made the above extract, put into his hands on his leaving England, should have come to the conclusion that a government administered "without reference to party considerations," was what the people of Canada desired?—Was it not natural for his Excellency to believe that when he was insisting upon an adherence to that principle, in his decisions and acts, he was consulting both the wishes and interests of the people of Canada? Had he not the strongest reasons for believing that when his late Councillors insisted upon an opposite line of policy they were not only in "antagonism" with him, but in "antagonism" with the people of Canada? Could he imagine otherwise? Could he suppose that the people of Canada entertained different sentiments and feelings respecting the right rule of government in 1843, from what they did in 1841? How then could he think or declare otherwise in his replies, but that he was maintaining the views as well as defending the rights and interests of the people of Canada, in resisting the party patronage "stipulation," or "understanding," or even policy urged upon him by the late Councillors? His Excellency would of course take for granted that the Journals which I have quoted, together with the *Guardian*, spoke the sentiments and feelings of the reformers and middle classes of society in Upper Canada; and could he believe for a moment that they would not support in maintaining what they had held and advocated as essential to the

good government, happiness and welfare of Canada?

These facts will explain the mystery of his Excellency's firmness, but of his confidence of ultimate support by the people, when the real nature of the question at issue between him and his late advisers should be understood by the country at large. He could not but be certain of the consistency and honesty of the people generally—that although the interests of parties, and partizan editors and leaders might change; yet that the people would not change—that what they had demanded of his predecessors, they would desire and expect from him, and what they desired and expected from him, they would support him in securing for them. Hence the calm determination of his Excellency; and hence his forbearance in not forming an exclusive party government—a measure which his accusers have sought to badger him into, in order to give plausibility to their own accusations, and place themselves on the best ground to obtain a party triumph.

But besides the declarations of Lord Sydenham, the avowed policy, and even composition of his government, and the unqualified sentiments of the above leading reform Journals of Upper Canada, in respect to both the character and policy of that government, I will adduce other proofs still to show that Sir Charles Metcalfe's avowed practical policy is that which was formerly professed by the late Councillors and the Reformers generally. The first shall be the declaration of the Earl of Durham, in whose sentiments it is known reformers of all shades exultingly concurred. One example out of a dozen will be sufficient. In reply to an address from the citizens of the present metropolis of United Canada, July, 1838, the Earl of Durham said—"On my part I promise you an impartial administration of the Government. *Determined not to recognize the existence of parties, provincial or imperial, classes or races*, I shall hope to receive from all her Majesty's subjects those public services, the efficiency of which must ever mainly depend on their comprehensiveness."—"Extend the veil of oblivion over the past—direct to the future your best energies, and the consequences cannot be doubted."—"This doctrine of 'an impartial administration of the government' is the very doctrine of the present Governor General; and Lord Durham's declaration against the recognition of even the existence of parties or classes, is stronger than was ever made by Sir Charles Metcalfe. Such was then the doctrine of reformers.

My next proof shall be of a still stronger and more decisive character. It is known that Mr. Norton Buell, of Brockville, was appointed Treasurer of the Johnstown District by Sir Charles Bagot, by and with the advice of the Council; that strong opposition was made to that appointment by the Municipal Council of that district; that an address was presented to his Excellency containing sundry charges against Mr. Buell, in connexion with the events of 1837 and 1838, and praying for

an investigation of them. Sir Charles Bagot was advised by his Council not to investigate the charges against Mr. Buell, and to make an important, and impressive reply to the Johnstown District Council—a reply that was hailed with a shout of triumph by the supporters of the late Council throughout the Province, and was received with dismay and dissatisfaction by their opponents—a reply that expressed fully the *professed principles and policy* of Sir Charles Metcalfe against a party patronage government, and condemned the late Councillors out of their own mouths, for their rupture and quarrel with his Excellency on that ground. The following is the concluding paragraph of that reply.

"I observe with pleasure your declaration, that you 'wholly repudiate all selfish, all factious, all national, all religious distinctions, animosity, and exclusion;' and that 'you desire to see all her Majesty's subjects in this country enjoy the most perfect toleration and equality; and the distribution of the patronage of the Executive Government confined to no particular section or party, religious or political. You may be assured that it is in accordance with these principles that I am determined to administer the Government of this Province;—and that in so doing I but execute the commands I received from the Queen. I therefore called on you to co-operate with me in my task, and with that view to lay aside these by-gone dissensions and party distinctions to which you advert, and which have been the bane of this fine Province. I call upon you to turn your attention to the political means necessary for the improvement of the country, and to prove your loyalty and earn the gratitude of your fellow-subjects, by making this Province what it was by nature intended to be, the most valuable dependency of the British Crown—a source of wealth in peace, and a means of strength in war."

How applicable is this exhortation to the agitation section of the late Councillors and the Toronto Associationists! Such a lecture from Sir C. Metcalfe to them would be deemed an infringement of their rights, yet they advised Sir C. Bagot to deliver it to the Johnstown District Council. And who could believe that within eighteen months after advising such a declaration against party distinctions and political party patronage, they would come to an open "antagonism" with Sir Charles Metcalfe upon that very ground, and exhibit him to the people of Canada as an invader of their constitutional rights and an enemy of representative institutions, because he maintains what they did in 1842 advise Sir Charles Bagot to avow as the principles of his administration; and which he declared also, as Sir C. Metcalfe has done, the command of his Sovereign!!!

Such again is the consistency and the patriotism of party, whatever may be the personal worthiness of the individuals who become chained to its serpent wiles. And such is the administration of Sir C. Metcalfe's avowed practical policy in the administration of the government, is precisely the same with that

which was professed by themselves and which they have now quished and

I will yet add, present, if possible, the downright scoundrels and the Governor General, people of Canada. I commenced an essay on "SIR CHARLES METCALFE'S GAZETTE," was terms by the people and by them, accordance with them, was published by the government. Now the whole of that essay, *evils of a government, principles, and impartial non-interference; for government of the people to the advantage of the Council, and that in sentiment, I select Roman and people was that appointed to thus "convince useful servants opposition to ment so far as a tan legislator. Thrasylbulus in Atica, (with dissensions,) gage upon should be but remarked—"what Sir Charles had as a duty, conduct of the of the latter, and then the reader's passages from the policy of and applaud their newspapers the time of Canada.*

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Charles Bagot to investigate and to make an end to the Johnstons—that was hailed by the supporters of the Province, and dissatisfaction that expressed a policy of party patronage of the late Council, for their repugnancy on that the concluding

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which was professed by the late Councilors themselves under his Excellency's distinguished and lamented predecessor.

I will yet add another illustration, which will present, if possible, in a still more vivid light, the downright inconsistency of the late Councilors and their organs, and the claims of the Governor General upon the support of the people of Canada. Just a twelvemonth before I commenced this discussion, I wrote a short essay on "SIR CHARLES BAGOT AND HIS CANADIAN GOVERNMENT." That essay was originally published in the *Kingston Chronicle & Gazette*; was applauded in the strongest terms by the organs of the late Councilors, and by themselves in various ways, and, in accordance with the suggestion of some of them, was printed in pamphlet form at the government press and widely circulated.—Now the whole object, and spirit and doctrine of that essay throughout was, to illustrate the evils of a government administered on party principles, and to show the importance of an impartial non-party administration of the Government; for such I supposed was the government of Sir Charles Bagot, from his reply to the address of the Johnstown District Council, and many other replies identical with that in sentiments. In enforcing this doctrine, I selected my illustrations from Greek, Roman and English history. My first example was that of Lycurgus, who forgave and appointed to office in his own household, and thus "converted into a faithful friend and useful servant" a man who had carried his opposition to Lycurgus' system of government so far as to attempt the life of the Spartan legislator. My second example was that of Thrasylulus, who abolished party distinctions in Attica, (which had been convulsed by party dissensions), by requiring the "citizens to engage upon oath that all past transactions should be buried in oblivion." On which I remarked—"Thrasylulus required by oath, what Sir Charles Bagot has often recommended as a duty: and those who admire the conduct of the former, ought to respect that of the latter." From Greece I turned to Rome, and then to England; and I solicit the reader's particular attention to the following passages from my pamphlet, as they contain the policy of government which was professed and applauded by the late Councilors, and their newspapers throughout the Province, at the time of Sir Charles Metcalfe's arrival in Canada.

"Julius Cæsar's celebrity as a general and a conqueror over armies and provinces, is surpassed by his conquest over his own personal resentments and party feelings (after having grown up and lived amidst all the asperities of both) when he 'pardoned all who had carried arms against him, made no distinctions with regard to parties,' and avowed in one of his speeches 'I will not renew the massacres of Sylla and Marius, the very remembrance of which, is shocking to me. Now that my enemies are subdued, I will lay aside the sword, and endeavor by my good offices to gain over those who continue to hate me.'

"Such an example may, with personal honor and public advantage be imitated by every philanthropist and Christian in Canada, as it has been by Sir C. Bagot.

"If we turn from Rome to English history we meet with examples, even during its less enlightened periods, which ought to silence and shame the proscribing spirit of our times.

"The Earl of Pembroke, who, during the minority of Henry III. (1217) was protector of the kingdom, is admitted to have been the ablest statesman and general of his age. But after suppressing a rebellion which had during the latter part of the reign of King John that distinguished nobleman, (to use the words of Hume)—"received the rebellious Barons into favor; restored them to their possessions; and endeavored by an equal behaviour, to bury all past animosities."

"It is known that Henry V.,—the most heroic monarch in English history—found the kingdom convulsed by the contests which had been commenced by his father, Henry IV., between the houses of York and Lancaster—to the latter of which Henry himself belonged. Yet, says Hume,—"*The King seems ambitious to bury all party distinctions in oblivion*; the instruments of the preceding reign, who had been advanced for their blind zeal for the Lancastrian interests, more than from their merits, gave place every where to men of more honorable character; virtue seemed now to have an open career in which it might exert itself; the exhortations as well as example of the Prince, gave it encouragement; and all men were unanimous in their attachment to Henry." How much more honourable to Henry, and beneficial to the nation was such a policy, than the *partial and proscriptive* policy which has been pressed upon Sir Charles Bagot, and than the *party policy* which characterised the otherwise most useful reign of Henry VII., of the same House with Henry V. After referring to the union of the two Houses by the marriage of Henry VII. with Elizabeth, heir of the House of York, Hume says—"Instead of embracing the present happy opportunity of abolishing these fatal distinctions, of uniting his title with that of his consort, and of bestowing favour indiscriminately on the friends of both families, he carried to the throne all the partialities which belong to the head of a faction, and even the passions which are carefully guarded against by every true politician in that situation. To exalt the Lancastrian party, to depress the adherents of the House of York, were still the favourite objects of his pursuit; and through the whole course of his reign, he never forgot his early prepossessions."

"It will be a dark day for United Canada, should its Governor become 'the head of a faction, and not the moderator of factions; but Sir Charles Bagot, disregarding the littleness of party faction, and acting upon the maxim which even Buonaparte had the discrimination and wisdom to adopt—"tell me not what a man was, but what he is now,"—has pursued a course which has added bril-

liancy to the noblest acts of the most renowned statesman of Greece and Rome and England; a course, the recollections of which no doubt sweetens his hours of retirement and suffering, and will embalm his mind in the grateful remembrance of Canada when the tongue of calumny shall have been silenced, and the breath of faction shall have been extinguished, amid the gratulations of a united and happy people."

"Whilst it has been theoretically admitted upon all sides, that our French fellow subjects are fully entitled to a representation in the Councils of the Sovereign, as well as of the people, Sir Charles Bagot has been assailed with unwonted bitterness for the selections which he has made—charges as consistent and as rational as it would be to admit the right of the people of Great Britain to a representation in the Executive Councils of the nation and then denounce her Majesty for selecting such men as a Peel and a Wellington; since the same British principles of state policy, and the same means of information which suggested to her Majesty, Sir Robert Peel, and the Duke of Wellington, as the most influential and appropriate advisers of the Crown in behalf of the people of Great Britain, suggested to Sir Charles Bagot certain individuals whom he has selected as the most influential and appropriate advisers of the Crown in behalf of the French people of Canada; a measure so just, so wise, so expedient, as to induce the Hon. Mr. Draper, not only to advise it, but to regard his own retirement from the power and emoluments of office as not too great a sacrifice for its accomplishment—thereby furnishing a noble example of genuine patriotism and the highest possible encomium on Sir Charles Bagot's policy."

"If any one circumstance, in addition to the consciousness of having done his duty, and the expressions of gratitude and sympathy which greet him from every part of the Province, can alleviate the sufferings of Sir Charles Bagot, and the disappointment of so premature a retirement from office, it must be the respectful and affectionate references which are daily made to him by his distinguished successor, Sir Charles Metcalfe. Indeed it is a spectacle of moral sublimity delightful and affecting to the whole country, to see two such statesmen, free from every feeling of personal jealousy, almost emulate each other in expressions of confidence and hope on the one side, and of praise and sympathy on the other. Were their spirit imbibed and their example imitated by the entire population of Canada, how soon would the fulminations of bigotry and the *crimination of party* cease throughout the land, and be succeeded by the purer language of Christian charity, and the nobler acts of public patriotism."

Such was the non-party administrative doctrine of the late Councillors and their supporters twelve months ago. How came that which was true, and right, and constitutional, and necessary in 1843, to become false, and wrong, and unconstitutional, and destructive

in 1844? How came that which was the glory of Sir Charles Bagot to become the shame of Sir Charles Metcalfe? The change is not in the principle involved, but in the party interests and proceedings of those who formerly professed, but now denounce them. The change is not in Sir Charles Metcalfe, but in his accusers. The doctrine of administering the Government, and distributing the patronage of the Crown, was pure, and sacred, and loyal, (as expressed in the reply to the address against Mr. Buell,) as long as it favored the party interests of the late Councillors, but it became unconstitutional heresy as soon as it admitted a poor widow's son, not of their party to the office of Clerk of the Peace in a new district; and Sir Charles Metcalfe must be condemned and banished as an enemy of Canada, for maintaining it!—Shame upon the shamelessness of party inconsistency and selfishness!

It is also worthy of remark, that a large portion of the Canadian press which animadverted upon the doctrine of facts of my essay above quoted, now support Sir Charles Metcalfe for taking his stand upon the same identical doctrine. It is thus that the two parties have had to a considerable extent changed sides and exchanged principles. The late Councillors and their supporters have espoused the old Canadian Tory doctrine of party government and party exclusion; while their opponents (except the Woodstock *Monarch* and one or two kindred prints, that still revel in the nut-shell of their own littleness,) having learned wisdom in the school of adversity, have become the advocates of the old constitutional reform doctrine of "equal justice to all classes and parties." The latter furnish examples of the conversion gratifying to every judicious well-wisher of his country; the former present humiliating instances of apostasy. Mr. Hincks even appeals to the old reprobated system of compact exclusiveness as authority for the policy of his colleagues and himself. In his reply to Mr. Viger, p. 18, Mr. Hincks says—"How absurd it is for the Canadian Tories, who, when in power, acted most strictly on the principle of never giving away offices to their opponents, to come forward now to condemn their own practice.—There may be inconsistency in the 'Canadian Tories' doing so, but I see no *absurdity* in the 'Canadian Tories' or any body else doing right now, because they did wrong once. But is it not both inconsistent and worse than absurd for Mr. Hincks and his colleagues, and their supporters, not only 'to come forward now and condemn their own practice' but to advocate and adopt the practice of the 'Canadian Tories,' a practice which all shades of Reformers in Canada have reprobated during many years—a practice to which some of the late Councillors have ascribed the rebellion itself! It is equally absurd for the late Councillors to retain the name of Reformers when they, by their own confession, adopt and advocate the former practice of the 'Canadian Tories.' In his Toronto Association Speech, March 25, Mr. Baldwin remarked—

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"A rose, it was said, by any other name would smell as sweet, and he would venture to say that the poppy would be equally disagreeable to the sense, and equally deleterious in its effects, though dignified with the name of the queen of flowers. (Enthusiastic cheers.) If they were to have the old system, let them have it under its own name, 'the compact system,' or any other adapted to its hideous deformities." In this I quite agree with Mr. Baldwin; and if he and his colleagues have adopted the practice of the old system of the "Canadian Tories," they ought "to have it under its own name"—and not foster the old member under some new and fascinating name calculated to conceal its hideous deformities." It was always admitted that the evil of the old practice was not in the men, but in the system. If it has heretofore been injurious to the intellectual improvement, social happiness and good government of the country, it can be no less so now. But the avowed practical policy of Sir Charles Metcalfe is sustained not only by the declarations of Lord Durham, Lord Sydenham, Sir Charles Bagot, the late Councillors themselves, and the organs of the Toronto Association; his Excellency is also supported by the concurring views of the reformers in Nova Scotia. The reformers there have only asked for an equal representation in the Executive Council, and have deprecated even the discussion of a party government in the Legislature. In the debate on the reply to the opening speech from the throne, Mr. Howe said—"Turning to the second point of the address—that of party government—he, (Mr. Howe) viewed it as a question of almost illimitable scope; and *one which this House should not be called upon to discuss.*" And in the amendment to the address which was proposed and voted for by the Reformers in the Nova Scotia House of Assembly, is the following declaration:—"The question of party government is one which this House does not feel itself called upon to raise at the present time." And as to the prerogative, Mr. Howe remarked in reply to a newspaper attack that had been made upon him, "There was little consistency in what had been written about 'forcing opinions' upon Lord Falkland. No man had a right to do that; all had the right to reason, remonstrate, retire, and go into opposition. These were constitutional checks and guards operating all round a Governor, but leaving the prerogative unfettered."

This party patronage doctrine is denounced by even the whig republicans of the United States, and is only advocated by the party of what are called "Loco Focos" in that country—that is the democrats—the name applied by Mr. Roebuck (who well understands the nature of their policy) to the late Councillors and their supporters. Mr. Marcy the late "Loco Foco" governor of the State of New York—the friend of the sympathisers and brigands against Canada, in 1838—thus avows this doctrine in one of his speeches in Congress: "It may be, sir, that the politicians of the United States are not so fasti-

dious as some gentlemen are, as to disclosing the principles upon which they act. They boldly preach what they practice. When they are contending for victory, they avow their intention of enjoying the fruits of it. If they are defeated, they expect to retire from office; if they are successful, they claim as a matter of right, the advantages of success.—They see nothing wrong in the role that to the victor belongs the spoil of the enemy."

Mr. Marcy, like Mr. Sullivan, in his explanatory speech speaks of those not of his party as the enemy, and represents the government as designed for the benefit of the victorious, and not for the welfare of the whole community. This theory, therefore, of the "spoils" for the one party to the exclusion of the other is the policy of American Loco Foco democracy, and not the principle of British constitutional government. The late whig President of the United States repudiates this partyism under his government. Mr. Hincks has said that governing without "reference to party consideration is inconsistent with representative government." But what says the head of even a democratic republic? He was elevated to this office by a majority of the suffrages of his country; but does he say on reaching that elevation, that he will govern for the benefit of those who voted for him, and regard as "enemies" those who voted for another? No, like a true representative of a country, who, when once invested with that character, represents the interests of the entire country, without reference to the party that either supported him or opposed, the late President Harrison, in his inaugural address declares that he will know no party in his government. Intelligent republicans throughout the United States responded to that doctrine; and only democrats opposed it. And is a British Governor to be less just—less impartial—less of a party patronage man, than an American President? Let the following just and noble sentiments of the late President Harrison sink deep into the mind of the reflecting reader, and abash the democratic policy of party selfishness which has risen up in Canada;

"Before concluding, fellow-citizens, I must say something to you on the subject of the parties at this time existing in our country."

"If parties, in a Republic, are necessary to secure a degree of vigilance sufficient to keep public functionaries within the bounds of law and duty, at that point their usefulness ends. Beyond that they become destructive of public virtue, the parents of a spirit antagonist to that of liberty, and eventually its conqueror. It was the beautiful remark of a distinguished English writer, that, 'in the Roman Senate, Octavius had a party, and Anthony a party, but the Commonwealth had none.' Always the friend of my countrymen, never their flatterer, it becomes my duty to say to them from this high place, to which their partiality has exalted me, that there exists in the land a spirit hostile to their best interests—hostile to liberty itself—it is a spirit contracted in its views, selfish in its object. It looks to the

aggrandizement of a few, even to the destruction of the interests of the whole. The entire remedy is with the people. Something, however, may be effected by the means which they have placed in my hands.

"It is the union we want, not of a party for the sake of that party, but a Union of the whole country for the sake of the whole country—for the defence of its interests and its honour against foreign aggression—for the defence of those principles for which our ancestors so gloriously contended. As far as it depends upon me it shall be accomplished. All the influence that I possess shall be exerted to prevent the formation, at least, of an executive party in the halls of the legislative body.

"The true spirit of liberty, although devoted, persevering, bold, and uncompromising in principle, that secured, is mild and tolerant, and scrupulous as to the means it employs, whilst the spirit of party, assuming to be that of liberty, is harsh, vindictive, and intolérant, and totally reckless as to the character of the allies which it brings to the aid of its cause. The reign of an intolérant spirit of party amongst a free people, seldom fails to result in a dangerous accession to the Executive power."

In conclusion, I think the facts and authorities I have thus adduced, are sufficient to establish the propositions with which I commenced this paper. The latter part of the seventh proposition will receive a more distinct consideration, when I come to discuss the eighth and ninth propositions in the next number of this argument.

The eighth, and part of the ninth proposition will form the topics of discussion in the present number, namely, "That the proceedings of several of the late Councillors, since the prorogation, have been unprecedented,—enervating, if not destructive of legal government—calculated, though not intended, to weaken and sever the connection, between Canada and Great Britain.

"That in at least seven different instances have the late Councillors departed from British constitutional usage—that the present course of hostility against the Governor General and Her Majesty's government by some of them, must be attended with injurious if not fatal consequences."

In my introductory address to the people of Canada West, I stated that for some members of the late Council I entertained the respect and esteem of personal friendship. I referred to two of the gentlemen on whose recent proceedings I am about to animadvert. I confess I had hoped much from their legislation and administration in the government.—The only idea I entertained of ever writing any thing which would involve a reference to their proceedings, was a dissertation or two on the connection between the laws of the country and the happiness of its inhabitants, and the adaptation of the colonial relations of Canada and the laws enacted since the union of the two provinces, to the condition and interests of the people and their rulers to render the

operation of those laws and relations beneficial. The deep-felt conviction of duty which has impelled me to condemn where I had hoped to approve, to expose, censure, remonstrate and warn, instead of elucidating, applauding, encouraging and congratulating, involves one of the most painful events of my public life. But whatever others might think of men or parties, I have always professed to love truth and justice, more than men—to regulate my own conduct by principles and not by parties. Long before Mr. Baldwin had a party, and both before and since the Union of the Canadas, I have disclaimed being a party man and protested against being judged by the rule of party. I did so explicitly, either in explanation or in reply to attacks, in the *Christian Guardian* of May 16, July 11, August 15, September 19, 1838; June 5, October 23, 1849; January 8 and 22, February 5, and April 15, 1840. In reference to scores of attacks which have been made upon me on this ground, and in justification of the remarks which I am about to make, I will quote the following passage from the *Christian Guardian* of June 5, 1839, when Mr. Baldwin was in private life, and when no small degree of odium and labour in supporting "equal rights and privileges for all classes of Her Majesty's Canadian subjects" fell upon myself. "Before entering into the subject of attack, we beg to make two or three preliminary remarks:—1. Our views of the science of government, as well as of theology, and of the system of government adapted to the society and condition of this Province, were derived from early reading and reflection, independent and without the knowledge of political party. 2. We have always professed to advocate principle irrespective of party. 3. It is possible to advocate the same interests and objects, and yet, at different times, support and oppose the same man and the same party; namely, when the same man or party assumes an attitude of hostility to those interests and objects, or connects other and irreconcilable interests or objects with them. If our consistency be tested by the men or parties that we have supported or opposed, we readily acknowledge ourselves very inconsistent; yet it is by this rule that we have been frequently judged. *Against such a rule of judgement, however, we protest, as we never professed to regulate our public or private conduct by it; but have again and again repudiated it as incompatible with our duty and office.* If we had professed to be devoted to party, then an enquiry into the manner in which we supported the party which we professedly espoused, in order to judge of our consistency, would be perfectly fair. But as on the contrary, we have always disavowed any thing of the kind, the question is, not what party we have supported or opposed, but what principles in regard both to the civil and ecclesiastical affairs of the Province, we have advocated."

Such were my views and positions in 1839; such they are in 1844; and whilst I pay willing and cordial tribute to the amiableness,

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and generosity of Mr. Baldwin, as a private and professional man, I protest against the doings of Mr. Baldwin the party man; and whilst I honor the kindness and liberality of Mr. Sullivan as an individual, I cannot but deprecate his late proceedings, and despise his "Legion" partizanship, and whilst I retain no unkind feelings toward Mr Hincks on the ground of his personalities during the early part of Lord Sydenham's administration, and acknowledge the general courtesy of his late remarks in regard to myself, I must reprobate with feelings of the strongest indignation his conduct towards the Governor General and Her Majesty's government.

If the proceedings of the late Councillors, in their demands upon his Excellency and their mode of resignation and explanation, were unprecedented; their conduct since has been unexampled. A man who has been elevated to the station of a minister of the Crown has obligations of duty to his Sovereign and to his country resting upon him after his retirement from office as well as before. A vulgar rustic, when he quarrels with a neighbour, employs against him all the epithets and insinuations that his supposed history can suggest or the rustic's own imagination and passions create. A retired Minister of the Crown ought not so to conduct himself towards his Sovereign. British practice during a hundred and fifty years without exception, inculcates the language of the profoundest respect towards his Sovereign from the lips of the ex-minister, as well as Minister of the Crown. Were it otherwise, that freedom of intercourse between the Crown and its confidential advisers which is essential to the safe and efficient administration of government, would be interrupted and destroyed; reserve and distrust would characterize all the communication between the sovereign and his advisers, and discord would ever and anon paralyze their most important counsels, confidence and frankness would flee from the palace, and suspicion and duplicity would succeed. Every retired British minister has, therefore, invariably regarded as sacred the feelings, the integrity, the principles, the understanding, the character of the Sovereign; and no British sovereign since the days of William and Mary, has had cause to regret or blush for the most unreserved freedom with any of his advisers. But in what way have the ex-Councillors treated the representative of their Sovereign? They commenced by impeaching his principles and conduct as unconstitutional; they have continued by impugning his justice and integrity, and even ridiculing his understanding. Witness the Association address itself, written by one ex-Councillor, and brought before the Association for its adoption by another—an address abounding in insinuations which cannot be true unless the Governor General is a deceiver, a tyrant and a hypocrite. Witness Mr. Hincks' charge of wilful falsehood against his Excellency in a passage which I quoted in a preceding number. Witness Mr. Sullivan's exhibition of the Governor General at a pub-

lic meeting at Sharon, in the Home District, under the character and title of "Charles the Simple"—Witness Mr. Baldwin's speeches at Toronto—at one time imagining his Excellency to have employed a Phrenologist as his adviser, and regulating his decisions by the science of bumps, and at another time holding up his Excellency as aiming to impose upon the people of Canada "a new-fangled system of Responsible Government"—and concluding by a phillipic of ridicule against his Excellency's reply (or rather on a perverted phrase of his reply) to the Gore District Council—especially his advice to them to "keep" responsible government, "cling to it," not to "throw it away"—in the following words: "They all no doubt remembered the story of Little Redridinghood, and the poor child's astonishment and alarm, as she began to trace the features of the wolf instead of those of her grandmother; and let the people of Canada beware lest when they trace the real outlines of this new-fangled responsible government and calling out in the sympathy of their hearts, Oh, grandmother what big eyes you have! Oh, grandmother, what a big nose you have! It may not as in the case of poor little Redridinghood, be too late, and the reply to the exclamation. Oh, Grandmother, what a great big mouth you have! be, "that's to gobble you up the better, my child."—(Cheers and much laughter.)"

Now, it may be fun for Mr Baldwin, and cause cheers and much laughter amongst the statesmen of the Toronto Association for him to exhibit the Representative of his Sovereign (of whom he had recently been a confidential adviser) as in the passage just quoted; it may comport very well with Mr. Hincks' feelings (the concluding sentence of his letter to Mr. Buchanan notwithstanding) to represent his Excellency as knowing what he had stated to be untrue; it may seem very witty for Mr. Sullivan (notwithstanding his testimony to Sir Charles Metcalfe's vigorous understanding and noble character in the concluding part of his explanatory speech, to show up his Excellency to the wise people of Sharon, as a *simpleton*; it may be a necessary piece of *partyism* for Messrs Sullivan and Baldwin to apply to the Governor General the abusive insinuations and attacks which pervade the *Toronto Association address*; but where is the precedent of *British practice* for such conduct? How would such conduct on the part of ex-Ministers in England be viewed by the Parliament or the nation? Would the people of England be likely to force such Councillors upon their Sovereign after they had thus treated him? Would the British Parliament be likely to permit them to come again in the presence of the Sovereign as his Ministers?—Would not humanity to the Sovereign forbid it? Would not a sense of propriety in the nation prevent it, unless after satisfactory proof of deep humiliation and contrition? If the Sovereign has not an unlimited choice in the selection of his advisers, but must in a great measure be controlled by Parliament, is not that Parliament bound by every consider-

ation of propriety, honor, justice and humanity, to see that the Sovereign's feelings and character are protected against those who either have been or may be his advisers? In days of unlimited monarchy—before responsible government was known—the Sovereign had the remedy entirely in his own hands; but as Parliament has now a voice of control in the appointment of advisers of the Sovereign, Parliament is bound in the same proportion to defend from wanton insult and invasion the feelings and character and happiness of the Sovereign. Reader, would you regard yourself as a free and happy man, were you compelled to commit yourself and all your interests to those who had held you up to the public as either a simpleton, or a despot, and conducting yourself *wolf*-like towards all who were in your power? Is the Representative of your Sovereign to be thus treated?

But this very language of ridicule and sneers, in which Messrs. Baldwin and Sullivan have so much gloried (for I might select many examples,) argues the conscious badness of their own cause. Dr. Dwight (late President of Yale College) has justly remarked, in his 28th discourse, "a cause which needs the support of ridicule and sneers is bad of course, and is by its abettors seen to be bad; for no man of common sense will resort to this feeble and ineffectual mode of attack or defence, when the surer, more rational, and more efficacious resort to sober argument is in his power."

And if such has been the language of the ex-minister leaders of the Toronto Association, it may be easily supposed that its less responsible members and newspaper organs have indulged with as little restraint as decency in the same style. The *Globe*, has attained nearly to an equality with Mackenzie's celebrated *Advocate of Constitution*, and the *Examiner* is not far in the rear, as amongst the first words on which I cast my eyes in lately looking over one of his Editorials, was the designation of Sir Charles Metcalfe as "the political spoiler who is destroying our substance and subverting our peace." Mackenzie's *Caroline Almanac* is not much in advance of this. But it is with the proceedings of the ex-Councillors I have to do in this paper, and not with those of their subalterns.—And I would ask if their proceedings and language, as above referred to, are not calculated to degrade the majesty of the throne, to lower the dignity of the advisers of the Crown, and weaken the moral influence of the whole executive branch of the Constitution? The honor of the Crown will not be long preserved inviolate in the country at large, if it be thus trampled upon by those who have been recently entrusted with its counsels.

To language so unexampled is also added political organization unprecedented. Can the late Councillors adduce an instance of ex-ministers in England having ever allied themselves with, or attended the proceedings of, much less created a political association such as the late Councillors have formed in Toronto? In the most exciting periods of

Parliamentary reform and political organization in England, have any of those political associations on the one side or the other, ever included the name of even one minister or ex-minister of the Crown? Did Earl Grey and his colleagues ever become leaders, or members of such associations, even when the Sovereign got them out of office on account of his hostility to their policy? Did Sir Robert Peel do so in 1839, when her Majesty rejected his advice and claimed as her prerogative not to submit to the advice of a ministers' appointment which he had recommended her to make.) Did Sir Robert Peel or his ex-ministerial opponents ever use such language towards the Governor General? Sir R. Peel calmly left the points of difference between his Sovereign and himself to the nation; the nation by a general election decided in favor of the Sovereign, and Sir Robert Peel was left out of office for two years, when he gained the majority of Parliament to his views on the corn law question. But during that interval of two years did Sir Robert Peel use a disrespectful or offensive word towards his Sovereign, or in a word or manner impeach the views or conduct of that Sovereign? Was not his whole conduct characterised by such respect and courtesy as to gain more and more upon the good will of the Sovereign, so that, in 1841, she cordially acceded to his advice respecting all the appointments of the royal household, as well as respecting the great offices of state? How differently have the late Councillors conducted themselves in regard to her Majesty in the person of her representative? In their Association speeches and addresses *duplicity* is the principle of his professions: *tyranny* the nature of his acts; the *wolf* the exemplar of his policy: and *simplicity* the appellation of his character.

With what sort of face could they come into the presence of the representative of the Sovereign after having applied such epithets and insinuations to him? With what decency could they be pressed upon him without a due repentance for such conduct? With what impartiality and justice could they pretend to advise any representative of the Sovereign on the affairs of the Province, after having founded and become the articulated federates of a political party association?—They would exclaim loudly against a member of the *Orange Association* being an adviser of the Crown—nay, the original draft of their bill provided that an Orangeman should not even bear arms as a militiaman—(a provision that would have operated rather doubtfully in 1837?) and could a member of the *Toronto Association*, with a shadow of consistency or propriety, then be an adviser of the Crown? The signs of the one association may be secret, and the signs of the other association may not be secret; the obligations of the one association may rest upon an oath, and the obligations of the other may rest upon "an honest man's word," which is said to be as good as his oath; the professions of the one may be Protestant and loyal, the professions of the other may be confessedly party politi-

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cal) ; the subordinate members of the one may possess more physical courage and be less scrupulous and more hazardous as to the use of physical weapons than those of the other, except when there is a certainty of superiority and success ; but is the one association any more than the other known to the constitution of the country ? Are not the members of the one association as well as those of the other politically isolated from their fellow subjects ? Are they not avowedly more soon the part of the Toronto Association ? Do they not now avowedly claim the spoils of office, power and emoluments, for themselves and their confederates, to the exclusion of all others ? Has it not been shewn beyond doubt that the real contest between them and the Sovereign is, that that Sovereign through her representative insists upon bestowing the power and emoluments of patronage not upon the Toronto Associationists and their confederates exclusively, but upon all classes without distinction of party ? Can an Association more dangerous be conceived than one formed against the Crown under such circumstances, the leaders of which avow such objects, especially in view of recent events in Canada ? The Arabians—the descendants of Ishmael—profess that the God of heaven has given them a right to their country and to whatever they may find in it, because their ancestor did not receive an equal portion with his brethren. When they therefore relieve the traveller or the merchant of all that he possesses, they do not profess to plunder or rob—they say "we gained it." So the leaders of the Toronto Association claim for themselves and theirs all the spoils of office which may be found in the country, to the exclusion of even a poor widow's son not of their fraternity, and they found and support the association as a lever to elevate themselves to power in order to make the Crown a "tool" for the attainment of such an end. The spirit of such a dominion is *Ishmaelitic*, and the principle of such a policy is that of *Ishmaelism* ; and the heading of such an organization by an ex minister of the Crown is an anomaly of the nineteenth century. The enlightened and eloquent GIBBORNE, in his admirable work on the *Duties of Man*, after explaining the *Duties of the Executive Officers of Government*, thus remarks upon the duties of an ex-minister of the Crown : "When divested of his employment, whether he withdraws from the busy world under the shade of piracy, or continues to serve his country as a member of Parliament, he will arm his breast against the stings of every emotion of bitterness and purify it from every emotion of bitterness and resentment against those who have profited by his fall. If he continues to act his part on the political stage, he will be on guard against the secret hankering after emolument and power, usually predominant in those who have once been in possession of high official situations. He will not frame his parliamentary conduct with an insidious view to regain the eminence from which he has been cast down ; he will not seek popula-

rity by disingenuous artifices ; he will not hoist a standard to collect the discontented, nor present himself as the leader of the factions. He will support, from his heart, every measure of his successors, which promises to promote the general welfare ; however evidently it may contribute to raise them in public estimation, and consequently to obstruct the return of himself and his friends to the helm of government.

With how much more dignity and propriety would the late Councillors have concluded, and how much more benefit would they have conferred upon the country, had they adopted such a course, instead of getting up an organized agitation against the Representative of their Sovereign ? The late Councillors for Lower Canada have pursued the dignified course of retired British ministers ; so did Messrs. Howe, Uniacke, and McNab, of Nova Scotia. They did not even attend a public meeting assembled in their behalf in the metropolis of that Province. The resolutions were communicated to them at their own residences.

But the sentiments inculcated at the Toronto Association, and by its principal organs, are as *anti-colonial* as the proceedings of their ex minister founders are unministerial. They have scouted the phrase, "Responsible Government as applicable to a colony ;" and the Governor General's remark, that as *applicable to a colony*, it was "still an undefined question," they have denied as a fact, and reproached as a covert attempt to subvert the constitutional liberties of the people of Canada.—They have supposed that they would obtain a decisive advantage over His Excellency by representing his absence of precise definitions as hostility to the system of Responsible Government, contrary to his own assertions. Now, such a proceeding was as disingenuous in itself as it was unjust to the Governor General. They knew that a precise definition of Responsible Government itself was impossible. Their own Mr. BLAKE has declared it absolutely *undefinable*, and said, "we seek not to define it." They also knew that Responsible Government, as *applicable to a colony*, was to a still greater extent not only an "undefined," but an undefinable question. They also knew that Responsible Government in a colony and in the parent state, is not one and the same thing, as they and their organs have sought to impress upon the public mind. I say advisedly they knew it, because they had avowed it. The first part of the resolutions of September, 1841, quoted by the late Councillors in their written communication to the Governor General, is as follows : "That the Head of the Executive Government of the Province, being within the limits of his Government the Representative of the Sovereign is responsible to the Imperial authority alone." Now, the length and breadth of the import of this resolution, is (in addition to direct Imperial interests and foreign commerce,) the length and breadth of the difference between Responsible Government in Great Britain and in Canada ; and when the late Coun-

ollers shall have given a precise definition of this resolution in all the workings of our government, then may they charge the Governor General with something of a good deal worse than ignorance, for speaking of the theory of Responsible Government, as applied to a colony, as a still undefined question. In England the Sovereign is not responsible to any body for *any* act of the government; in Canada the "Head of the Executive Government is responsible to the Imperial authority" for *every* act of his government; and he is the *only* member of the Canadian Executive that can be impeached and punished for the acts of his government. Now, if the Governor of Canada is involved in a responsibility in which his Sovereign is not—a responsibility equal in magnitude to the sum total of the acts of his government—then must he, within the range of his additional responsibility, be invested with some additional power for responsibility without power is a contradiction and absurdity. In the *sixth* number of these papers, I have shown that the Governor General has recognised Responsible Government in Canada to the full extent of the resolutions of September, 1841; but those resolutions themselves recognize a difference between Responsible Government in England and Responsible Government as applicable to a colony. What that difference is, it is needless for me to undertake to say, until the Associationists shall have defined the nature and extent of the above quoted resolution. While that resolution remains, the maxim that "the King can do no wrong," cannot be applied to the head of the Canadian Executive; that is, as long as Canada remains a Province of the British Empire.

How then do they evade the force of that resolution? Why, by not only avoiding all attempts to explain it, and even all reference to it, but by practically and positively denying its application,—nay, by denouncing the very principle of it. This office they appear to have assigned to Mr. Blake. In the execution of it, they repeatedly and enthusiastically cheered him; and for having performed it, Mr. Sullivan most warmly eulogised him. The following passages from Mr. Blake's Toronto Association speech, with the accompanying cheers, are my witnesses: "But it is said that the head of the Executive Government here is responsible to the people of England. Now, laying out of view for a moment the practical effect of this responsibility, which we shall consider by and by, we do now unhesitatingly assert, that however well fitted such responsibility may be to deprive us of all shadow of liberty, it can never raise us to the rank of freemen. (Cheers.)" "We have heard one to whom this Province certainly owes much, [I mean Lord Durham] declare, that he did not pretend to decide upon the policy of granting to Canada representative institutions—language this, which should never have escaped the lips of an Englishman. I must confess myself, therefore, indisposed to fix upon the wording of a despatch, or a resolution, for the purpose of fortifying our

rights. Such a course may be highly proper in settling mere questions of form; but *those essential rights which we now demand, rest on the basis of eternal justice*, upon which no resolution, however constitutional, can more firmly establish them—from which no despatch, however artfully worded, can ever remove them." "But, sir, it is said that the responsibility of the head of the Executive to the people of England is the surest guarantee of our liberties; nay, the only guarantee which we can have consistently with our position as colonists. That such language should fall from the lips of noble Secretaries of State; that they should consider a simple declaration of ministerial approval as a sufficient sanction for any violation of our rights, however flagrant; nay, that such passing notice of our humble condition should be regarded as the proper object of our gratitude, would not much surprise us. And we should not feel disconcerted, even though we should find such language faintly echoed by the people of England. But that there should be found in this country any man degraded so low as to pander to this lust of despotic power—(cheers)—that there should be found any man base enough to barter his own, his children's dearest right, for some paltry present advantage. How can such things be, and not fill us with wonder? (Loud cheers.) Responsibility to the people of England, forsooth!—What! does not the Crown constitute here the third branch of the Legislature, as in England? Is not the Legislative Council our second branch, nominated by the Crown, as in England? Are not the prerogatives of the Crown as inviolate here as in England? And am I to be told that all those strong, time natural ties to the parent state, must be regarded as nothing, unless we are also to consent that the government of this country be conducted by ministers over whom the people of the country have no control? I say, Sir, this right must not be conceded by the people of Canada; nay, it must not be conceded even though the Commons of England were disposed to exercise it with the utmost impartiality and vigor—it is a concession no less repugnant to the liberty of Canada to grant, than unworthy the greatness of England to demand. We desire, indeed we earnestly desire, to be united to England; but it must be by ties of which *freemen* need not be ashamed. England cannot wish, and we must not consent to be bound as slaves.—(Cheers.) But, sir, we utterly deny that the right of control, if conceded, would even be exercised by the people of England with impartiality and vigor; and history shall have raised her warning voice for us to the purpose, if she has failed to convince us that such control, however well fitted to secure the aggrandizement of the parent state, has never yet operated, and never will operate as a shield to the liberties of the colonist. We have, indeed, seen the people of England demand of a noble Lord some account of a rapacity almost unparalleled in the age of Roman despotism—rapacity which during a few brief

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years had amassed wealth sufficient to arouse the envy of the ancient and privileged nobility of England. But with what result? Why at the very hour—the very moment when the Commons of England were engaged in the investigation of that heinous offence—at that very hour and moment, the King of England was despoiling the venerable temple of Westminster, by bestowing upon that Governor the highest honour the Crown of England could confer. But it may be said that the circumstances of our country, nay, its very poverty, (I have heard less tenable arguments urged,) sufficiently protect us from the iron grasp of rapacity, and that such instances as I have adduced, are therefore unimportant. Let us then contemplate the enormities of the immediate successor of that Governor of the Indian Empire of England, for the purpose of satisfying ourselves whether the responsibility of the Executive Government to the people of England, on which we are asked to rely, can be justly regarded as any guarantee of our rights. Look then at Warren Hastings," &c. "Let us then hear no more of our insignificance in this our struggle for freedom. No man, nobody of me," contending for liberty, can ever be regarded as insignificant. Such a spectacle is insignificant only to the coward slave, who knows not wherein the true dignity of man consists. (Hear, hear.) It will be hailed by every true-hearted Englishman as a spectacle the most significant. He will rejoice to see the budding forth of those seeds of liberty, which it is the glory of England to have planted over the globe. (Cheers.)"

Every word of these quotations (as long as they are) is emphatic and full of meaning.—Let the reader ponder them carefully. Apart from mere military occupation, (a great expense to England, and a corresponding source of gain to Canada,) apart from feelings of affection and friendship—these sentiments of the Toronto Associationists cut asunder the only political tie which unites Canada to England. If the head of the Canadian Executive is not responsible to England, then is he an independent potentate, and Canada is an independent sovereignty. The resolution of the House of Assembly of September, 1841, which says, "That the head of the Executive Government of the Province, being within the limits of his government, the Representative of the Sovereign, is responsible to the imperial authority alone," is declared by the Toronto Associationists to be incompatible with liberty, to be fit only for slaves; and they repudiate the doctrine,—nay, they refuse to submit to any other than this independent connexion with England—the friendly connexion which the "freemen" of the United States highly value and earnestly maintain with the people of England, and by virtue of which they have obtained large loans from British capitalists.

I shall not stop to argue the doctrine of the above quotations: I merely adduce them as proof demonstrative that the doctrine of *Independence*, (as I stated in my introductory ad-

dress to the people of Western Canada) is involved in the proceedings, and has been inculcated under the auspices of the late Councilors. Neither will I reply to these imputations upon the Sovereign and people of England; they are mere repetition of what PATRICK HENRY used to say, from whom Mr. Blake seems to have borrowed a considerable portion of his speech, and the animus of the whole of it. The *Toronto Globe*—the organ of the Association—breathes out the same denunciations against the Ministers, Parliament and people of England, and the same denial of the Imperial authority to judge of those very resolutions which recognize the responsibility of the head of the Canadian Executive to that authority. In the *Globe* of the 4th of June, (it should have been dated the 4th July,) the Editor quotes the paragraph of my introductory address in which I have stated the Imperial authority to be the legitimate tribunal of appeal on a question of the constitutional prerogative of the Crown, which beyond all doubt, involves an imperial interest of the highest and most sacred character, as well as acts for which the Governor General is responsible to the Imperial authority alone according to the resolutions of 1841; that the Imperial authority had virtually decided in favour of the Governor General; that Mr. Baldwin practically renounced the authority of that tribunal, by refusing to appeal to it, and by appealing through the Toronto Association, to the people of Canada; to which the *Globe* thus replies:—"We demur to the fact of a decision having been given. No official document has yet affirmed it; and if it were the case we deny the right of the Executive Government to interpret the resolutions of 1841. We hold that these resolutions are more binding than an ordinary act of Parliament. They received the sanction of both Houses of the Legislature of Canada, and of the Governor General, and were afterwards assented to by her Majesty. The Executive Government is not an expounder of an act of Parliament. That can only be done by a court of law, on the application of the parties having a right to be heard. The Provincial Parliament would consider it unbecoming their dignity and responsibility to apply to a court of law to interpret these resolutions, far less to call for a decision from the Executive Government, in regard to them. These resolutions have become the property of Parliament, and of the people of Canada, and they must be adhered to in their literal and common sense meaning, *the Res. Egerton Ryerson notwithstanding*. It is the business of the Houses of Parliament to be their own interpreters in matter relating to their own privileges."

Such is the argumentation by which the organ of the Association would overthrow my position; and such is their denial of the Imperial authority to judge in the matter. I will examine for a moment the statements and reasoning of this Association expounder of the British Constitution and law. In the first place, I had not said that the Executive Go-

verment had the right to give a final judgment in the case. It answered the party purpose of the Association for the *Globe* to pervert my words, which implied the *reverses* of what that organ represents. My words were, "Then, *one branch* of the Imperial authority—the Crown, with the advice of a ministry jealous of their rights—has decided in favour of Sir Charles Metcalfe's constitution of the constitutional prerogative.—There is no reason to believe that the *British Parliament* will decide differently from her Majesty and her advisers. Are the people of Canada then prepared to resist the decision of the Imperial authority? It is no longer a question between Mr. Baldwin and Sir C. Metcalfe, but between Mr. Baldwin and the Imperial authority."

When I wrote this paragraph (the last week in May), a despatch from England had been received, expressing the approval of her Majesty of Sir C. Metcalfe's conduct; and her ministers had announced to the Imperial Parliament their approval also; and the late debate in the House of Commons has evinced the correctness of my anticipation, that the Parliament would not decide differently from her Majesty and her advisers. Then as to the fact, that the resolutions of 1841, have received the sanction of both Houses of the Canadian Legislature, it happens to be another *lappus linguae* of the *Globe*. They were never brought before the Legislative Council.—Then as to the *Globe's* *two practices*. Is not that tribunal to interpret the law, which the law makes the judge in the case or cases provided for? The Court of Queen's Bench interprets the law in cases which come within its Jurisdiction. So the *Globe's* act of Parliament—the resolutions of 1841—makes the "Imperial authority alone" the tribunal to which the head of the Canadian Government must answer for his conduct. Must not then the "Imperial authority alone" interpret the law in the case in which the "Imperial authority alone" has power to decide? It is by such prevarication and trash that the Toronto Association organ imposes upon a portion of the Canadian public. The only point in his remarks worthy of grave notice is, his denial—with Mr. Blake and the Associationists—of the authority of the Imperial Government, which constitutes the only link of constitutional connexion between Great Britain and Canada. The denial he repeats, and adds several paragraphs of abuse against Great Britain herself. I have not room to quote these paragraphs at large; I will give the first sentence of each of three of them, from which the reader can judge of their import and tendency:—"We deny that the government have a right to recal, or to interpret these Resolutions without the consent of the Canadian Parliament." "The British government has often done wrong—glaring wrong."—"Britain can be unjust, and she has shown it." To which I will add the following delectable sentence—"It will require heavier metal and clearer heads yet than the Rev.

Egerton Ryerson to defend the present Government for their late treatment of Canada.

Now, aside from these denials of the authority of the Imperial Government, and the responsibility of the Governor General to the authority,—and especially in connexion with them—what is the object of these imputations upon the Sovereign and people of England, made by Messrs. Blake and Brown, amidst he cheers or under the auspices of the then Councillors and the Toronto Association? Is it to make the people of Canada respect Great Britain more? To increase the confidence and attachment, and strengthen the connexion between Great Britain and Canada? These denials and imputations speak a language that cannot be misunderstood, and contain a moral which cannot be mistaken.—The reader requires no assistance from me to enable him to read the one and interpret the other.

In view of the facts, therefore, which I have thus adduced, I infer, "That the proceedings of several of the late Councillors, since the prorogation, have been unprecedented—enervating, if not destructive of legal government—calculated, though not intended to weaken and sever the connexion between Canada and Great Britain; that the present course of hostility against the Governor General and her Majesty's government by some of them must be attended with injurious if not fatal consequences."

I cannot in this place omit referring to another circumstance in connexion with the proceedings of certain late Councillors and the Toronto Associationist reformers. The reformers of former years petitioned and remonstrated against *Legislative Councillors* even voting at an election, or attending any sort of political meeting. But the Toronto Reformers of the present year, solicit their attendance at the current meetings of a political association, and Mr. Baldwin congratulates them upon the appearance of such patronages in such a place and for such purposes, as forming a new epoch in the history of Canadian reform! This is another instance (in addition to those which I have adduced in the preceding number) in which the old repudiated anti-reform policy of high ultraism has been adopted by the reformers of the Toronto Association. It is indeed a new epoch in our constitutional history, and an unenviable one too, to see *Peers* attending meetings of popular agitation. Their constitutional position is that of *umpires* between the Crown and the people, and not the office of Mr. Roebuck's "democrats." It was less surprising to find an avowed "notorious whip" executing the functions of such an office, than to see him finding his way into the Legislative Council, but it was surprising to see so amiable a man as the Hon. Adam Ferguson caught in such a place. On seeing his name in so strange a connexion, I was satisfied that his kind and ingenuous nature had been imposed upon with a view, if not of making a "stool pigeon" of him at least using him as a "tool" for party purposes, and that his honest heart

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could not sympathise with the spirit and anti-
colonial-connexion doctrine cherished by the
Toronto Associationists, and so explicitly
avowed by Mr. Blake. On afterwards meet-
ing with Mr. Ferguson's speech in the *Kings-
ton Chronicle*, my first impressions were con-
firmed.—The animus of the Association is
wanting in that speech. It indicates large
mistakes as to many of the circumstances in-
volved in the question of difference between
Sir C. Metcalfe and his late Councillors, but
it abounds in appropriate expressions in regard
to the Sovereign and her representative, and
bows constitutionally to Imperial authority.
Mr. Ferguson said—"The reformers of Cana-
da will not be goaded into unconstitutional
acts. They await in confidence the award of
the British Government and of the British Par-
liament—and I do verily believe, for one, they
will reap their reward. (Hear.)"

The Toronto Associationists having already
received the "award of the British Govern-
ment," and virtually of the British Parlia-
ment, and with Mr. Ferguson, "I do verily
believe for one, they will reap their reward."
Mr. Ferguson and other good subjects, who
have been unwittingly drawn into the Toron-
to Association will doubtless be satisfied with
and support the "award" of the imperial au-
thority—though the journals of the Associa-
tion kick against both the "award" itself and
the authority which has made it. It is plea-
sing however, to observe that such are not
the sentiments, and such is not the spirit of
reformers in other British Provinces. The
"award" is declared to be all that the reform-
ers ought to desire—all that the reformers of
Nova Scotia ever asked for. The Hon. Jo-
seph Howe has the following remarks in the
Nova Scotian, on the late debate in the Impe-
rial Parliament:—

Imperial Parliament Debate.—When the
packet arrived, there was a great deal of ex-
ultation over Charles Willmer's report of the
Debate on Canadian affairs, in which it was
supposed that Lord Stanley had negated the
principle of Responsible Government, as un-
derstood and acted upon in this Province.—
We thought it strange that this should be the
case, and sat down to a full report in the *Ti-
mes*, with some forebodings of mischief—some
anticipation of a recurrence to the antiquated
errors, and the intolerant spirit of which these
Colonies, in former times, had so much rea-
son to complain. As we advanced, we were
agreeably surprised to find Lord Stanley
reading Lord Durham's report, and Lord John
Russell's Despatches, and boldly avowing his
concurrence in the principles, as acted upon
in Nova Scotia for the last four years. What
he objects to is:

"1st. The restriction of the prerogative
in all internal affairs, and

"2d. The demand of a stipulation from a
Governor, as to the mode in which he should
in all cases, exercise the prerogative in the
distribution of patronage.

"No attempt has ever been made, in Nova-
scotia, to do either of these things to which
Lord Stanley objects.

"The whole tone of this debate is excellent
—the sentiments throughout will be regarded
with satisfaction by those who seek, and have
ever sought, nothing more than the practical
application of the principles of responsibility,
with entire security to public liberty, and the
vigorous exercise of all the royal preroga-
tives."

It now only remains for me to recapitulate
the several instances in which the late Coun-
cillors have departed from British usage.

1. It was contrary to British usage for them
to remain in office twenty-four hours, much
less weeks or months after the head of the
Executive had performed acts or made ap-
pointments which they did not chose to justi-
fy before Parliament and before the country.

2. It was contrary to British usage for
them to complain of and condemn a policy or
acts to which they had become voluntary par-
ties by their voluntarily continuing in office.

3. It was contrary to British usage for
them to go to the Sovereign to discuss the
principles and debate policy, instead of ten-
dering their resignations for his past acts.

4. It was contrary to British usage for
them to demand of the Sovereign, an exposi-
tion of his intended future policy, much more
to demand from him an understanding or en-
gagement that his policy should be such as
"would not be prejudicial to their influence."

5. It was contrary to British usage for
them to carry on such a negotiation with the
Sovereign without furnishing him with their
propositions and demands in writing. Lord
Stanley's apprehensions on account of their
not having been compelled to do so, have been
fully realized.

6. It was contrary to British usage for
them to resign on account of any alleged theo-
ries or opinions entertained by the Sove-
reign, instead of resigning upon his specific
act or acts.

7. Finally, it was contrary to British
usage for them to come before Parliament
with an explanation of the grounds of their
resignation, without having the concurrence
of the Sovereign in the facts of that explana-
tion, much more to give an explanation in the
teeth of the protest of the Sovereign, to im-
peach the principles of the Sovereign, and
subsequently to get up political organizations
against him.

I have thus finished the painful part of my
task. I shall not leave the evils which I
have pointed out without proposing a remedy
and the interests and duty of the people re-
specting it, will be the subject of my next and
concluding number.

NUMBER IX.

It now remains for me to shew, "That it
is the duty and the interest of the people of
Canada to maintain those views which they
have always professed, and which Sir Char-
les Metcalfe has most explicitly and fully
avowed."

What views the people of Canada have pro-
fessed and Sir C. Metcalfe has avowed, I have
shown in the preceding part of this discussion

—especially in the seventh number. The practical operation of them in the administration of the government, and the practical maintenance of them by the people at large, involve the remedy for the evils which disturb the peace and impede the prosperity of Canada. In illustrating the efficiency of that remedy, I shall consider the application to the different departments of the government, and the people generally. This includes the *Duty of the Governor General*—the *Duty of Executive Officers*—the *Duty of Legislators*—the *Duty of the People*. A few remarks on each of these topics will form my exposition of what I think ought to be the practical working of the established system of responsible government in Canada.

1. THE DUTY OF THE GOVERNOR GENERAL.

—An ancient author remarks of the Roman Emperor Marcus Aurelius Antoninus that "he appeared like some benevolent deity, diffusing around him universal peace and happiness." Such is the character of the present Sovereign of the British Empire; such should be the character of her representative in Canada. Such is his character in private beneficence, such it should be as the head of the Executive. The government is established for the "greatest happiness of the greatest number"—for the equal benefit of the entire community; the head of the government, therefore, should sustain a common relation to the whole of that community—like the sun in the firmament. He should not therefore, be the head or the "tool" of a faction or party, or bound by or identified with faction or party, by "stipulation" or otherwise, in any shape or form whatever. It is a beautiful remark of Lord Bacon, that "The motions of factions under Kings ought to be like the motions, as astronomers speak, of the inferior orbs; which may have their proper motions, but yet still are quietly carried by the higher motion of primum mobile." I cannot state my own views on this subject—and the frequently expressed sentiments of the Governor General—better than in the words of the excellent Gisborne on the Duties of the Sovereign. "To check as much as may be possible the spirit of party, appears to be one of the first duties and noblest employments of a King. To countenance it, is to encourage interested nobles and aspiring commoners, factious orators, needy and profligate adventurers to associate into bands and confederacies for the purpose of obtruding themselves into all the offices of government; and under the name and garb of servants, of imposing on the monarch and on the people chains too strong to be broken. It is to prescribe men from employments, not because their characters are impeachable or ambiguous; not because their talents are inadequate or unknown; but because they are suspected of attending to measures rather than to men; to reason and to public good rather than to hackneyed watchwords and appellations; and hesitate an implicit allegiance to the chief, and obedience to every principle, of the political conspiracy. These are not the

characteristics of a particular party; but of all party and will be displayed in stronger or fainter colors according to the genius of the leaders and the circumstances of the times.— Their prevalence at any one period not only endangers the final stability of the empire by dividing it into two conflicting portions; by perpetuating jealousies, animosities and feuds; by threatening the annihilation of patriotism and public spirit; but more speedily obscures the dignity and destroys the power of the monarch. Perhaps he may hope to preserve his authority by uniting himself with the ruling faction. But, as Lord Bacon says "Kings had need beware how they side themselves, and make themselves as of a faction or party. For leagues within the state are ever pernicious to monarchies; for they raise an obligation paramount to the obligation of sovereignty, and make the King *tantum unus ex nobis* (as one of themselves.) A King, though he may be a member of a party, can never be the leader. That post will ever be filled by the bold declaimer whose influence commands the House of Parliament. All that is permitted to the Sovereign, no longer a Sovereign but in name, is to co-operate in forging his own fetters, and to endeavour to persuade himself that he is free; to be flattered by his potent associates, when they are at leisure and in humour; to be menaced by them, when he dares to intimate disapprobation of their schemes; to be overawed by one part of his subjects who he denominates his friends; and despaired by the other whom he has forced to be his enemies.

"But when a Monarch (or Governor) considers himself as the common father of his people: when, rejecting all distinctions not originating in personal merit, he is ready to employ in the service of the state, any of his subjects possessed of virtues and talents capable of furthering its welfare; it is difficult to say whether he ensures, as far as human conduct can ensure, more substantial advantages to his country, or more satisfaction, honour and authority to himself. Roused by his impartial call, public spirit revives in the remotest extremities of his dominions, prompting all classes of citizens to whatever exertions the general good may require. No individual is deterred from stepping forward in the common cause, by fear that, in consequence of inauspicious party connexions his most strenuous efforts will be coldly accepted, his most important services forgotten. Political discussions no longer make one part of the family an enemy to the other. Harmony and confidence reign throughout the community and afford the most stable security against attacks from abroad."

Such is the kind of chief-ruler enjoined by the institutes of the inspired Jewish Legislator; such is the kind of chief-ruler that the people of Canada have already desired. That any considerable number of them should have been induced to band themselves together under the banners of the Toronto Association as enemies of Sir Charles Metcalfe for his insisting upon such an exercise of the viceregal office, can only be accounted for from the

fact—as remarked—that "nationality" is a passion to paroxysms. The Board of Privileges and the consideration of the Mayor's petition; but to the fountain of justice, principle of party consistency, an enemy to the He discomfited is set down how does the capidity of equal justice how does the advocacy stand degradation harmonizing out partial has been just for, in his that "Excellence in my dominated falsehood and have ever which the has a lesson in his protest solely for the for the "Every just shall be as "the King Ambitious interested in purposes. from rights patronage, and diminution of the Canada!

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fact—as remarked by the historian *de Thou*—that “nations, like individuals, are subjected to paroxysms of frenzy.” The President of a Board of Police in a village performs the duties of his office “without reference to party considerations,” and he is honored for it, as is the Mayor of a city, or the Warden of a district; but the representative of the Sovereign, the fountain of honor and the supreme arbiter of justice in the country—avows the same principle of executing the functions of his high and responsible office “without reference to party considerations,” and he is proclaimed an enemy to the liberties of that country:—He discourages party exclusion, and he is set down as a *simpleton* or a *wolf*! But how does the hungry prowling *wolf* of party cupidity slink away before the solar Majesty of equal justice and parental impartiality; and how does the faithless *simpleton* of party advocacy stand in its native worthlessness and degradation in the presence of a government harmonizing with that wisdom which is “without partiality and without hypocrisy!” It has been justly observed by *Dr. Cooke Taylor*, in his *Natural History of Civilization*, that “Exclusiveness is the principle of falsehood in most of the opinions that have predominated over mankind;” the principle of falsehood against which the people of Canada have ever protested and prayed, and against which the representative of their Sovereign has solemnly objected, declaring, as he does in his protest, that “all government exists solely for the benefit of the people,” and not for the “exclusiveness” of party patronage. Every just man is concerned that “the throne shall be established in righteousness.”—that “the King shall reign in righteousness.”—Ambitions and selfish partisans alone are interested in having the King reign for party purposes. To the people have more to expect from righteousness than from exclusive party patronage, apart from moral obligations human and divine. May “justice ever be the habitation of the throne” in the government of Canada!

II. THE DUTY OF EXECUTIVE OFFICERS.—If the end of government in a country is the happiness of the people, and if justice in the government is essential to that end, then ought the acts and counsels of the executive officers to accord with it. To exercise the power committed to them with a view to exalt one party and depress another, is a false and base view of the functions of their office. Though party may have placed them there, party is not the end for which they are placed there. Party may have contributed to make a man a President of a Conference, or a Moderator of a Synod, or Bishop of a Diocese, or Mayor of a Corporation; but in his office he is not to play the part of a party man—to regard one party of the communion over whom he is placed as *his friends* and the other as *his enemies*—to cherish the former and proscribe the latter. By whatever influence he may have been invested with his power, and by whatever influence he may be continued in possession of it, the *object* of that power is

not party, but the *public good*, and he is selected as the most competent instrument to promote that end. For him to use his power for any other purpose is to betray the trust committed to him, and to pervert the very design of government itself. The Rev. Dr. WAYLAND, President of Brown University, United States, has the following just observations on this subject; in his sensible work on *Moral Science*—a work used as a Text Book in most of the American Colleges: “And not only is an executive officer bound to exert no other power than that committed to him; but he is bound to exert that power for no other purposes than those for which it was committed. A power may be conferred for the public good; but this by no means authorizes a man to use it for the gratification of individual love or hatred; much less for the sake of building up one party and crushing another. Political corruption is no less wicked, because it is so common. Dishonesty is no better policy in the affairs of state than in any other affairs; though men may persuade themselves and others to the contrary.—He is not there as the organ of a section, or of a district, much less of a party, but of the society at large. And he who uses his power for the benefit of a section, or of a party, is false to his duty, to his country, and to his God. He is engraving his name on the adamant pillar of his country’s history, to be gazed upon for ever as an object of universal detestation.”

What ineffable scorn does this noble language of an honest American Republican pour upon the democratic party patronage policy of the Toronto Associationists? Contrast the address of Mr. Hinck’s to the Electors of Frontenac, and other publications, printed by the Toronto Association—contrast what I have proved to be the real ground of rupture between Sir Charles Metcalfe and his late Councilors—with these immutable sentiments of justice, truth and patriotism.—Strange that in a Christian country, in the nineteenth century, any considerable body of men should openly avow the principle which degrades and profanes the divine institution of civil government into a mere engine of political party. It is still more strange that this principle should be put forth as one article in the creed of men who had risen to the highest situations in the country by professing the principle of “equal justice to all classes and parties” in contra-distinction to the exclusive party policy by which Canada has in former years been governed, and by which one part of the inhabitants were made enemies to the other part—although the principle of the policy was so abominable in itself, and so utterly at variance with one of the first principles of civil government, that it was never acknowledged in word. It was always admitted in theory, though violated in practice. It is probable that the principle of exclusive party patronage never would have been espoused as it has been, and a demand made upon the Crown to secure to a party the practical exercise of it, had not a vast a-

amount of patronage been about to be placed at the disposal of the executive by the customs bill and certain other similar bills introduced into the legislature last session, and had not the long illness of Sir Charles Metcalfe's lamented predecessor reduced him to the mere sign-manual or cipher in the government, and left it therefore entirely in the hands of a party without control or check.—The unchecked exercise of party patronage for six months and upwards, was found to be a gratifying and advantageous accession of power to the leaders of a party, and it appears to have presented to them so golden a harvest, as absolutely to have blinded them (as gifts blind the eyes of even the wise) to a fundamental article of their formerly professed creed, and to have allured them unconsciously and under the extraneous influence of party applications and threats, into the adoption of a contrary article, and at length into the avowal of it as a principle of government—especially through the lips of Messrs. Sullivan and Hincks, who have been less remarkable for wisdom and prudence and consistency, than they have been for *zeal and ability*. But the health and vigour and aristocratic sense of justice entertained by Sir Charles Metcalfe presented a serious "antagonism" to this uncontrolled exercise of exclusive party patronage—especially in view of certain patronage bills pending before the Legislature, which had been prepared during the days of council supremacy and royal weakness, doubtless with the confident expectation that the authors of them would enjoy the uncontrolled advantages of the power which those bills conferred. They, therefore, seem to have hit upon the expedient of reducing by "stipulation" or "understanding" Sir Charles Metcalfe to the amanuensis or cipher condition to which Sir Charles Bagot had long been reduced by sickness. The expedient, however, did not answer the purpose anticipated, but produced an explosion which blew down its authors. To have come before the country upon this new policy of governing upon the principle of party patronage, instead of the principle of equal justice to all classes of Her Majesty's Canadian subjects, would have blown them from the people as promptly as it had blown them from the Sovereign. They, therefore, by another species of political alchemy, incorporate (as I have shewn out of their own mouths in previous numbers of this discussion) the hitherto exotic doctrine of exclusive party patronage as an element of responsible government itself; and thus go to the legislature and the country upon the principle of responsible government, and exhibit the representative of the Sovereign as an enemy to that system, notwithstanding he has, from the beginning, declared his undeviating adherence to it, and has, as I think has been proved to demonstration, recognized it as fully as his impugnors themselves,—hence the anomaly of the present discussion. And hence the attempt by misrepresentation and party confederacy to beat down the most Catholic and impartial

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offence when their requests, improper in themselves, or unfit to be granted under existing circumstances, are refused; and deter them from preferring numberless claims, the rejection of which would have drawn upon him the resentment of disappointed pride. In filling up inferior official situations, and in recommending persons to his Sovereign, when the post which he occupies authorizes such a step, to be placed at the head of high executive departments, he will make choice of men, whose abilities and attainments are suited to the functions which they will have to discharge. He will seek, he will reward merit, in whatever line it may be found, and in whatever situation it is employed!"

The operation of such principles and such policy in the administration of the Government, would be like a well-spring of life to the country—to the virtuous principles and aspirations of its rising youth, and to the enterprise, harmony and happiness of all classes of its population; whilst a government propelled by the unhallowed stimulus of exclusive partyism, is like the burning lava of sterility and death, upon the best intellectual energies and moral feelings and social happiness of a community, emitting its volcanic eruptions in all the diversified forms of party association, party passion, party violence, party proscriptions,—and not unfrequently party rioting, bloodshed and murder. When the life pulse of the government is partyism, it will beat to the extremities of the body politic, and partyism in every variety of secret and public combination, will spread throughout the whole population, and *statutes* themselves will be as cobwebs against its existence and even prevalence. When government announces party favouritism and party exclusion as the principle of its administration, it is itself no better than a political party confederacy armed with dreadful power; its oaths of secrecy are but the counterpart of the secret oaths of other political confederacies; its own policy would be serving the seed broadcast, of which all party confederacies would be the legitimate fruit; it might even legislate against some of them, but itself would be the fostering parent of them all; party policy being the rule of its action, party-spirit would be the life-blood of its existence, and with the death of that spirit would be its own dissolution; its moral power—the most essential means of good in a government—would be no more than the moral power of any other selfish party combination; the law in its hands would be felt as a tyranny, and the executive power an instrument of party despotism, only more regarded than any other party despotism, not because it was more just or virtuous, but because it was more powerful; under its sway not only would party combinations and societies, secret and public, increase and multiply, but the noisy worthless partizan would be the great man, and the intelligent worthy man would be the obscure man; party cunning would be on the high way to executive employment and virtuous industry the sure path of obscurity; and the teacher must ap

prize his pupils, that under the existing system of government they would not be encouraged, patronized and rewarded, according to their virtues, their attainments, their abilities, their industry, their love of justice and law—but according to their party confederacy, their party zeal, party skill, and all the arts and qualifications of the party gamester.

In illustration of the truth of these remarks, I appeal to the growth of party associations, secret and public in Canada, since the hour when it was fully understood and acknowledged by the late Councillors that party policy was their rule of government. I appeal to the revival and the character of party spirit in the country, which is as the zephyr before the gale, in comparison of what will be, if such an unprincipled policy be substituted for the principle of Provincial policy in the administration of the government. I appeal to the party combinations and party manoeuvres in these sections of the United States, where the executive power is only the breath of party and where party is the main-spring in the whole machinery of government; where lynch law, and mob power is stronger than executive power. I appeal to the late riots in Philadelphia—the natural spawn of an exclusive-party-policy-administration of the government advocated—to the moral weakness of the executive authorities there—the powerlessness of the law—the necessity and even inefficiency of military interference. I appeal to the sentiments and wariness of the late President of the United States, as quoted in the last number. I appeal to the denunciations of the above quoted Dr. Wayland—to the testimony and the lamentations of the most able statesman and writers, and most estimable characters in the American Republic. I appeal, finally, to the unwitting testimony of the Toronto Associationists themselves.—In the address of Mr. Hincks to the electors of Frontenac, which the Associationists ordered to be re-printed and circulated by their agents in illustration of the doctrine earnestly advocated, that "the vacant offices should be filled up by men of their own party," (p. 2,) a quotation is introduced, to show that the "distribution of patronage should be so wielded as to secure the active support of the friends of the government, and weaken the party of their opponents,"—(p. 4.) That quotation concludes thus:—"A man of ability in Prussia, without connexions, has a much better chance of getting on, if he devotes himself to the public service than in England; but at the same time, the chances of such a person being advanced are infinitely greater here, [England,] than in the United States. In the latter everything is sacrificed to party considerations; and the most splendid talents and capacity to render great public services would never advance their possessor one step on the ladder of promotion if he happened to be of a different party from that in favour at the time, or to want party support. The reason is, that in England Parliamentary influence predominates merely, whereas in America it is everything: and everything

must, in consequence be made subservient to its support."

Now, as to England, I shall presently adduce fact against assertion. But the operations of the party-patronage system must be vastly more marked and more baneful in Canada, than it is here exhibited to be in the United States as our examples. The population is much smaller here than there; and the number of offices larger, in proportion, and they were greatly multiplied by the late advisers, and proposed to be multiplied to a much greater extent. The violence & personality of party are increased in proportion to the smallness of the population, and the amount of patronage to be distributed for party purposes. This system, once the rule of government in Canada, and all hope is extinguished that the Janus temple of social war will ever be shut, or social peace ever be enjoyed. Between the rising youth of Canada and all promotion there is an impassable gulf, however "splendid their talents," or shining their virtues, or high their attainments, unless they can provide, and prove the possession of the additional requisite bridge of political partisanship interest. And this apple of discord—this premium for partisanship—this offshoot of the worst species of democracy—this extinguisher of inobtrusive virtue and intelligence—this system of political and moral corruption—this blood-sucker of the religious and moral feeling of the country; is dignified as the "essence of responsible government" and all who do not fall down and worship this golden image of party idolatry, are to be cast into the furnace of party proscription and execration, heated seven times hotter than it was wont in former days! Such a system will prove CURRAN—the gem of Irish intellect—an idiot. He said "I have known tumult and disorder to make many a rich man poor; but I never knew it to make a poor man rich." This newly advocated system of responsible government will indeed make a rich country poor but it is the patent though unprincipled way to make poor political partisans rich. Under its operation cunning will be the desideratum for the public man, and moral principle will die, and with it will crumble the whole constitution of government; for, as the learned Schlegel, in his admirable lectures on the philosophy of history, remarks—"At no time has a political constitution or mode of government been devised, which could permanently supply the place of principle." May the Ruler of Nations avert such a calamity from Canada!

For Sir Charles Metcalfe to be a party to such a system—much more the stipulated tool of it—would not only be violating the commands of his Sovereign, and the still higher commands of the King of Kings, and withering every verdant germ of Canadian excellence and hope, with the *simoon* blast of the evils above deprecated; but would be setting the seal of condemnation to his own appointment as Governor General of British North America. In the late debate on Canadian affairs in the British House of Commons, Mr.

Buller said that Sir Charles Metcalfe belonged to "the ranks of the opponents of Her Majesty's present government;" Lord Stanley said Sir Charles "was not a supporter of the present Ministry;" Sir Robert Peel said that Sir Charles was not even personally known to a single member of the present Government, until after his recommendation to Her Majesty as Governor General of Canada. The emoluments of that office are larger than those of Secretary of State for the Colonies. The Ministry in England have many needy and office-seeking dependants and friends—noble and otherwise—to whom such an office would be an invaluable boon, and who, no doubt, regarded themselves as having strong political claims "for services rendered." And, had Her Majesty's Advisers acted upon the new and detestable article incorporated into the political creed of the late Advisers of the Governor General to regard their opponents as "enemies," and fill up "all vacant offices with men of their own party," then would Sir Charles Metcalfe not have been (as Mr. Buller expressed it) taken from the ranks of their opponents. He desired not the office: he desired and needed not its emoluments; the office needed him; Her Majesty's Ministers resolving (as Sir Robert Peel has more than once avowed, and as Lord John Russell declared, after the passing of the Municipal Corporation Bill,) to recommend persons to office according to their fitness and merits, advised the appointment of one of their "opponents" in the person of Sir Charles Metcalfe. This is British responsible Government, as practiced by Her Majesty's Ministers in the very appointment of the present Head of the Canadian Executive, and this is the true responsible government for Canada. Sir Charles Metcalfe's peculiar fitness for the situation of Governor General of Canada, was asserted even by Mr. Hume, and eulogized in the strongest terms by the late Councillors themselves, at the commencement of the late Session of the Legislature, after they had had several months' confidential intercourse with His Excellency. But having changed their doctrine of Government, they have in a corresponding ratio amazingly changed their language in regard to Sir Charles Metcalfe, and have done but little else in their speeches for months past, than attempt to falsify the words they themselves had employed in Parliament during the discussion of the answer to the Speech from the Throne at the opening of the Session. This is only another addition to the catalogue of their inconsistencies and self-contradictions which I have heretofore pointed out: whilst Sir Charles Metcalfe, true to the principles sanctioned by Her Majesty and her advisers in his own appointment, true to the equal rights and privileges of all classes of Her Majesty's subjects in Canada, continues to maintain what the late Councillors advised Sir Charles Bagot to declare to the Johnstown District Council, "that the distribution of the patronage of the Executive Government shall be confined to no particular section or party, religious or political."

That the purposes—administrative and no doubt. The corruption, administrative beacons of wisdom. The profane swearing, guilty of it; of patronage where it was mit of denial crown did in trine itself; his celebrated trine of the has his price tested. Dr. Philosophy, according to of the subject. are perfect of be asserted comes in the of law." In rights," he where the best qualified yet if he be cannot seize dress at law Wherever ponding ob prefer the be be grateful my children in all these right is im "imperfect, language of however, s that it leads less guilt in gation, tha groundless perfect or in violence im force it. F tiality, "di station in li or livelihood grievously in others, a greater cri out of a lib kerchief; t an imperfe In this r didates for to their qu correspond have the d ments upon gration whi dren; and other princ ty and inj

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That the patronage of the government in England has been advised and used for party purposes—especially before the era of administrative and parliamentary reform—there is no doubt. Those were the days of Executive corruption, and not of "equal justice" in the administration of the government. They are beacons of warning, not examples for imitation. The principle was always condemned both by statesmen and moralists—the same as profane swearing—even by those who were guilty of it; and the fact itself of such abuse of patronage was denied, except in cases where it was too shamelessly notorious to admit of denial. One minister of the British crown did indeed unblushingly avow the doctrine itself; but his name, in connection with his celebrated maxim (the essence of the doctrine of the late councillors,) that "every man has his price," is only remembered to be detested. Dr. Paley, in his *Moral and Political Philosophy*, even ranks appointments to office according to qualifications amongst the *rights of the subject*. (Chap. X.) He says, "Rights are perfect or imperfect. Perfect rights may be asserted by force, or, what in civil society comes in the place of private force, by course of law." In giving examples of "imperfect rights," he says, "appointments to office; where the qualifications are prescribed, the best qualified candidate has a right to success; yet if he be rejected, he has no remedy. He cannot seize the office by force, or obtain redress at law; his right is therefore imperfect. Wherever the right is imperfect, the corresponding obligation is so too. I am obliged to prefer the best candidate, to relieve the poor, be grateful to my benefactors, take care of my children, and reverence my parents; but in all these cases, my obligation, like their right is imperfect. I call these obligations "imperfect," in conformity to the established language of writers on the subject. The term, however, seems ill chosen on this account, that it leads many to imagine, that there is less guilt in the violation of an imperfect obligation, than of a perfect one; which is a groundless notion. For an obligation being perfect or imperfect, determines only whether violence may or may not be employed to enforce it. Paley adds that a man who by partiality, "disappoints a worthy candidate of a station in life, upon which his hopes, possibly, or livelihood, depended, and who thereby grievously discourages merit and emulation in others, commits I am persuaded a much greater crime, than if he had filched a book out of a library, or picked a pocket of a handkerchief; though in the one case he violates an imperfect right, in the other a perfect one."

In this reasoning, it will be seen that candidates for offices have a right in proportion to their qualifications and merits, and that a corresponding obligation rests upon those who have the disposal of officers to make appointments upon that principle similar to the obligation which exists between parents and children and to make appointments upon any other principle, involves a species of dishonesty and injustice. I may also observe, that it

involves dishonesty and injustice against the public as well as against individuals. Officers are created, not for the purpose of party patronage, but, for the public good. The public therefore have a right to the employment of the best qualifications and talents (regardless of parties or party interests) in those offices. To use the patronage of those offices therefore for any party purposes is not only a perversion of them from the very design of their creation, but a wrong against the public. The late Councillors have been compelled to admit this principle in respect to the office of magistrates. They have been compelled to declare that magistrates ought to be appointed without regard to party distinctions. And are not all other offices created for the good of the public at large as well as that of magistrates? And are not the other offices for the most part more onerous upon the public than that of magistrates? And are not the public at large as much entitled to the full and impartial benefit of one public office as they are to that of another? In all probability, there cannot be more than one office holder to one hundred of the population. There are then the interests of ninety-nine to one in favour of having public offices filled according to qualifications and merit, "irrespective of party considerations." Neither the Sovereign nor the public have any interest in parties or party appointments. Partizans only are interested in party appointments: the public at large are interested in appointments according to qualifications and merits. Offices are created for the public at large and not for partizans or parties. The whole theory, therefore, of party appointments, and party patronage, is rotten at the very foundation. It is alike at variance with the fundamental principles of civil government and the first principle of morals. It is the original fountain of political corruption, and the death-knell of equal civil rights and privileges amongst all the members of a community. It is both the effect and the source of public corruption. It assumes that a people cannot be governed without this partial and therefore corrupt patronage of the Crown; and it makes them more corrupt.

The emulations and pretensions of party to public favour, should, therefore, rest upon other grounds than that of party patronage.—The sphere of the operations is beneath the throne—not above it. The exercise of the functions should not taint the fountain of honour, and justice, and law. That should be held sacred by all parties, and flow on unpoluted by party, to the humblest inhabitant of the land. The emulations of parties in regard to patronage itself should be, who shall advise its exercise most disinterestedly and most efficiently for the encouragement of virtue and intelligence—for the interest of the public service, for the discouragement of party contentions and divisions—for the promotion of peace and good will. Their emulations in regard to measures should be, who will devise and carry into effect the most numerous, most comprehensive, most simple, and most effi-

sient measures for the good government of the people, the advancement of the education, the morals, the enterprise, the commerce, the wealth, the happiness of the country. Upon these grounds and with these objects of honourable rivalry and mutual emulation, statesman will, in exact proportion to their ability, skill and success, command the confidence, support, and gratitude of their fellow subjects, and be benefactors to their common country. This is my theory of patronage; this is my theory of the duty of the Executive Officers; this is my theory of the practical working of "party government;" this, I believe, is the true theory of good government; while the vicious system of party patronage and party proscription is dangerous alike to the throne and the people, and the prolific parent of numberless vices and evils in a community. Lord Brougham has well said (and the history of Canada proves it) that "Party undermines principles, destroys confidence in statesmen, corrupts private morals, unites sordid motives with pure, produces self-deception, destroys regard in truth, promotes abuses of the press, gives scope to malignant feelings, paralyses the public councils, promotes treasonable proceedings."

III. THE DUTY OF LEGISLATORS.—The duties of a legislator are, in several respects, common with those of an Executive officer. If it is the duty of the latter to advise measures and acts for the public good, without respect to party, it is the duty of the former to support them. If the Executive councillor, on being elevated to that position, should faithfully and impartially consult the interest and happiness of his country as a whole, and not regard one section of it as his "enemies," and the other section of it as his articulated confederates, the legislator should do the same. The representative of a country, or town, or being invested with that character by the major vote of his fellow freeholders, should lose sight of parties for or against his success, and be the faithful representative of his country or town, and not the mere agent of a party in it. It is not, however, my intention to write an essay on the general duties of legislators, but to advert to two particulars affecting them involved in the present discussion; namely first their duty in preserving the constitution unimpaired, by maintaining inviolably the prerogative or rights of each branch of it—secondly, their duty respecting organized political parties.

It has been remarked by Dr. PALFAY, that "There is one end of civil government peculiar to a good constitution, namely, the happiness of its subjects; there is another end essential to good government, but common to it with bad ones—its own preservation. Observing that the best form of government would be defective, which did not provide for its own permanency, in our political reasonings we consider all such provisions as expedient: and are content to accept as a sufficient ground for a measure, or law, that it is necessary or conducive to the preservation of the constitution." One part of the duty of

a legislator is then to preserve the constitution. As in the removal of one corner stone, the whole edifice would be overthrown, so the weakening of one branch of our mixed constitution endangers the whole of it. The Crown is one of the fundamental pillars of the constitution; and without its prerogatives it is like Samson shorn of his hair; or like a body without life. To deprive the crown of its prerogatives; or what was the same thing, to paralyse the exercise of them, is to convert our monarchical government into the worst kind of democracy—a democracy which embodies all the evils of ordinary democracies without their chief excellencies. Mr. ROEBUCK professes to be a democrat in theory—though he professes not by any violent means to apply that theory to England—but he does to Canada, as the reader will see from the appendix, No. 4. Mr. ROEBUCK is therefore listened to with curiosity in the House of Commons. I myself heard him say, in commencing a speech in favour of establishing elective corporations in Ireland, that "he did so because it was one step towards carrying out those great principles of free government to which he bowed implicit assent." He, therefore, as their voluntary patron regarded it as no discourtesy or misnomer to term his *clients* in Western Canada, "democrats." He, knew that their "stipulation" or "understanding," if sanctioned, would effect what I have shewn it did involve—democratic independence. But such is not the duty of a Canadian Legislator. The preservation of the monarchical constitution is one of his first duties at all times—and his first duty when any branch of it is invaded. On this point I will do no more than employ the authoritative words of Mr. BURKE to his Bristol constituents, and on an occasion too, when, as he says, he received only one Tory vote, but was supported by the Whigs and Dissenters against a Tory candidate. The following are not only his own words, but his own *italics* and *capitals*: "The distinguishing part of our constitution is its liberty. To preserve that liberty inviolate, seems the particular duty and proper trust of a member of the House of Commons. But the liberty, the only liberty I mean, is a liberty connected with order and virtue, but which cannot exist at all without them. It inheres in good and steady government, as in its substance and vital principle." "To be a good member of parliament is, let me tell you, no easy task; especially at this time, when there is so strong a disposition to run into perilous extremes of servile compliance or wild popularity. To unite circumspection with vigour, is absolutely necessary; but it is extremely difficult.—We are now members for a rich commercial city; this city, however, is but a part of a rich commercial nation, the interests of which are various, multifarious, and intricate. We are members for that nation which, however, in itself but a part of a great empire, extended by our virtue and our fortune to the farthest limits of the East and of the West. All these wide spread interests must be considered;

must be considered. We are members for a free constitution, intricate, and complicated. We are members for a monarchy; and true regal forms the ke noble and w pire and con up of balance thing. As s it which com

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must be compared; must be reconciled, if possible. We are members for a free country, and surely we all know that the machine of a free constitution is no simple thing: but as intricate, and as delicate, as it is valuable. "We are members in a great and ancient monarchy; and we must observe religiously the true legal rights of the Sovereign, which forms the key-stone that binds together the noble and well-constructed arch of our empire and constitution. A constitution made up of *balanced powers* must ever be a critical thing. As such I mean to touch that part of it which comes within my reach."

Mr. BURKE quoted this last passage in his "*appeal from the new to the old Whigs*"; and on it made the following remarks, which ought at this time, to sink deep into the mind of every constitutional legislator in Canada.—In this manner Mr. Burke spoke to his constituents seventeen years ago. He spoke, not like a partizan of one particular member of our constitution, but as a person strongly and on principle, attached to them all. He thought these great and essential members ought to be preserved, and preserved each in its place: and that the monarchy ought not only to be secured in its peculiar existence, but in its pre-eminence too, as the presiding and connecting principle of the whole.

In every instance wherein an attempt has been made to subvert the monarchical part of the constitution, it has invariably been founded upon the pretext that the prerogatives of the Crown has been unconstitutionally exercised; nothing is more easy than to get up a charge of the kind in relation to matters which have gone along in the ordinary way, and which have not been transacted with a view to so insidious and scandalous a proceeding as that which has been instituted against the Governor General. In the same way one half of the farmers and dealers throughout the province might be proved to be rogues, because they had not in every instance rendered an account, and given a receipt &c. &c., according to the technicalities of law. But in this case, I think I have shown, that admitting even the extreme application of law, which is known to be the worst species of tyranny Sir Charles Metcalfe stands exonerated, and his accusers stand condemned. And never have the rights of the Canadian people been so fully recognized by their governor as in the replies of Sir Charles Metcalfe to addresses which have been presented to him; and never has the imperial government conceded so much and so cordially to the people of Canada, as in the late debate in the British House of Commons on Canadian affairs. Nothing but a deliberate and settled determination to pull the "key-stone" out of the arch of our monarchical government can justify the present Toronto Association hostility against the Governor General and the supreme government of the empire.

The other point of legislative duty to which I beg to refer, relates to *political parties*. Days of political revolution, and days of political corruption and the days of iron rule, are

days of plighted party organization. It is so with a neighbourhood; it is so with a town or city; it is so with a country. But as with a town or neighbourhood; so with a country the days of mechanical, agricultural, commercial and intellectual industry—the days of improvement, prosperity, and happiness, are the days in which the clangour of party faction is not heard—in which the social energies are in union instead of collision—in which individual independence is not impaired by party bondage—in which individual emulation, merit, intelligence and enterprise has free and unrestrained encouragement and scope of exertion. It is so in a family; it is so in a church; it is so in a province. In unity there is strength and in division there is weakness in a country, as well as in a church; and with as much reason might Mr. Baldwin talk about advancing the interests of a church by giving "a distinctively party character" to its annual assemblies and its local meetings, as to talk of advancing the interests of the country by giving "a more distinctively party character" to its legislative representation. Such doctrine may do very well for a party man who expects to be at the head of a party, or a gainer by party—the same as some men advocate lotteries; but the sentiment is as unpatriotic as it is absurd. Never was a more gross political solecism uttered. And the party associations which certain ex-ministers have made to elevate themselves against the Crown are of the same character. Never were the remarks of that powerful advocate of popular rights—the late Rev. ROBERT HALL—on political associations, more applicable than in this instance: "Associations in this light may be considered as the finesses and tricks of the ministry. At present they are playing into each other's hands, and no doubt find great entertainment in deceiving the nation. But let them beware lest it should be found, after all that none are so much duped as themselves. Wisdom and truth, the offspring of the sky, are immortal; but cunning and deception, the meteors of the earth after glittering for a moment, must pass away."

Can it then be the duty of a legislator to be the bond-man of party? Is it not his duty to be an independant representative of his constituents, and of his country, and judge of every act and of every measure on his merits, and not be the horns, or the lungs, or the neck, or the belly, or the leg, or the tail, or the lap-dog, or any man, or party, to be at the option of his head, or the biddings of his master, as "party purposes" may require? In an old and extensive country—where all the institutions of society are laid in the depth of ages and the administration of them in the usages and paramount authority of generations, and where every prerogative, and interest, and privilege, in the church and in the state, from the cottager to the sovereign, is defined and settled by the common laws of centuries, the collisions of party shake not the foundation of the empire—the sphere of their emulation lies by the avowal and interests of

all parties within the fundamental institutions of the government;—so that in some instances their different forces result in the increased velocity of administrative machinery, though in most cases in clogging its wheels, and on not a few occasions stopping its movements altogether. But the resistance and collision that would scarcely cause a jar of friction in the vastly powerful governmental machinery of an old and great country, would rend to pieces that of a young and feeble country. The differences or partizanship that would scarcely disturb a large congregation or church would scatter a small one to the four winds of heaven. But in Great Britain herself, parties are admitted to be evils in themselves, and are not, as far as I know, justified in the abstract by any authoritative writer on political science. The immensely varying majorities and minorities in both Houses of Parliament, shew how much individual judgement and independence are exercised, even where the existence of parties is acknowledged, where the great principles of government and public policy are thoroughly understood, and where the great majority of the House of Commons have avowed their preference for Sir Robert Peel and his colleagues as more competent and safe advisers of the government than Lord John Russell and his colleagues. And at this moment in England (assisted by the last arrival) it is avowed as a doctrine by the advocates of free trade on the one hand and by a large portion of the Conservatives on the other, and illustrated by the example of the press—that they will act simply with a view to *principles and measures* without regard to men. When the Minister of the Crown is aware that he holds his place upon the ground of his general ability and integrity, and that his measures will be judged of according to their merits and adaption to the country, he will be more vigilant, more circumspect, more just, and liberal, than when he grounds his strength and expectations of success upon the confederacy of party.

The history of Canada proves that party policy and party legislation have been the sources of gross and numerous extravagancies, oppressions, and evils. In any country, and more especially in a new one, for a man to lay down party policy and party legislation as a theory of government, is to lay the axe at the root of the tree of public prosperity and happiness. Such a theory is alike dangerous to the stability of the Throne and the liberty of the Subject. Nor is it less favourable to the morals of public men. No legislator can long preserve his Christian feelings and principles unimpaired while he abandons himself to the tortuous manœuvring of party. The following remarks of the Rev. T. GIBBONS should be treasured up by every legislator in Canada. "In order to preserve this principle of a resolute and stubborn sense of duty at once pure in itself and efficacious in governing his conduct, let him resolve from the moment of his outset in public life to shun the snares of party. Let him learn

to detect the hackneyed sophism, by which he will bear the sacrifice of every upright motive palliated and recommended; that a concurrence of many is necessary to the success of every plan; and that no man can expect the aid of others without being ready to make reciprocal concessions and compliances. Let him tell those who urge it, that to co-operate is not to be a partizan; that co-operation asks no concessions but such as are consistent with morality and religion; that party requires her votary to violate, either expressly or impliedly, the dictates of both; to affirm what he believes to be false; to deny what he knows to be true; to praise what he deems reprehensible; to countenance what he judges unwise. Let him explicitly make known to those with whom he co-operates in political undertakings, that he is an independent friend, who will support them in every measure which he shall think equitable in itself, and conducive to the national welfare; not an articulated confederate, pledged to concur in proceedings which his judgement and his conscience disapproves."

In connexion with this theory of parties in the legislature and in the country, and party legislation, preparation is made for an organized opposition to the government, with a view to its embarrassment and overthrow, if possible, whatever may be its intentions and measures. And this is called "patriotism" and "love of liberty!" Rather should it be called partizanship and the grave of liberty. On this point I would address every legislator—nay, every honest man in Canada, not in my own feeble words, but in the resistless language of one of the most ardent and eloquent advocates of civil and religious liberty to whom England ever gave birth—the late Rev. ROBERT HALL, who so far from regarding such a doctrine and such a proceeding as patriotic and favourable to liberty, regarded it as a necessary measure of parliamentary reform, as the enemy of good government, and the death blow of liberty. In his great Essay "On a Reform of Parliament," Mr. Hall says—"Freedom is supposed by some to derive great security from the existence of a regular opposition; an expedient which is in my opinion both the offspring and the cherisher of faction. That a minister should be opposed when his measures are destructive to his country, can admit of no doubt; that a systematic opposition should be maintained against any man merely as a minister, without regard to the principles he may profess, or the measures he may propose.—Which is intended by a regular opposition appears to me a most corrupt and unprincipled maxim. When a Legislative Assembly is thus thrown into parties, distinguished by no leading principle however warm and animated their debates, it is plain they display only a struggle for the emoluments of office. This the people discern, and in consequence listen with very little attention to the representations of the minister on the one hand, or the minority on the other; being persuaded the only real difference between them is, that the one is anxious

to gain what the measure he proposes will bring to the nation from it he esteems honour not to every obstruct the minister always flourish to the opposition the brink of convened to do tion, how disagreeably talk of solution to act when, if they to according to their party, have of apologies for expected! Who agree in nothing minister, the peace and irresolution is a mere they endeavour betters. It is deans the still voice of the disgusting gles as the party is doomed to e

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to gain what the other is anxious to keep. If a measure be good, it is of no importance to the nation from whom it proceeds; yet will it be esteemed by the opposition a point of honour not to let it pass without throwing every obstruction in its way. If we listen to the minister for the time being, the nation is always flourishing and happy; if we hearken to the opposition, it is a chance if it be not on the brink of destruction. In an assembly convened to deliberate on the affairs of a nation, how disgusting to hear members perpetually talk of their connections, and their resolution to act with a particular set of men; when, if they have happened by chance votes to according to their convictions rather than their party, half their speeches are made up of apologies for a conduct so new and unexpected! When they see men united who agree in nothing but their hostility to the minister, the people fall at first into engagement and irresolution; till perceiving political debate is a mere scramble for profit and power, they endeavour to become as corrupt as their betters. It is not in that roar of faction which deafens the ear and sickens the heart, the still voice of liberty is heard. *She turns from the disgusting scene, and regards these struggles as the pangs and convulsions in which she is doomed to expire.*

IV. THE DUTY OF THE PEOPLE.—A few remarks on this subject, and I have done. The interests of the people, and their duty, are of course, identical. What their real interests are, may, I trust, be easily inferred from the previous discussion.

I. In the first place, it is not the interests of the people to resist Her Majesty or Her Majesty's Representative in Canada.—The interests and happiness of man require government; there can be no government without authority; that authority must be lodged somewhere; that authority involves a tribunal of ultimate appeal in all questions of dispute between any parties in the state. In regard to allegations against the head of the Canadian executive, the Imperial authority is the supreme and ultimate tribunal of appeal, as stated in the House of Assembly's Resolutions of September, 1841, which declare: "That the head of the executive government of the Province being within the limits of his government the representative of the Sovereign, is responsible to the Imperial authority alone." In all cases of litigation the unsuccessful as well as successful party must abide by the decision of the legally constituted tribunal of judgement in such cases. To resist such a decision is to renounce the authority of the tribunal which made it. Is it the interests of the people of Canada to resist the decision which the Imperial authority has pronounced in favour of Sir Charles Metcalfe, and condemnatory of the allegations of his accusers? Are the people of Canada prepared to sustain a resistance if commenced? If not, ought they to commence it? This is the alternative—to resist or submit. And this is the point at which the question has now arrived. The

chairman of the Toronto Association himself (in a printed letter) thus explains the responsibility of the Governor General, and thus anticipates the present position of the question at issue: "The Governor General fills a two fold capacity; first that of representative or deputy to the Sovereign, for the exercise of those prerogatives of Royalty, with which he may be entrusted, and which by reason of the personal absence of the Sovereign, can only be performed by deputy; and secondly, and emphatically, that of the minister of the crown in the colony, personally to watch over and control the local administration of public affairs, and see that the colonial authorities do not infringe upon Imperial rights or interests. In both these capacities he is responsible to the crown, and obnoxious to impeachment in Parliament, should he fail in the important functions thus confided to him." "In an Independent state, the Sovereign is under greater restraint than the Governor of a Colony, but the difference is one of degree; not of character. In either case, where a difference arises, it becomes at once a question whether the difference be of sufficient importance to enter upon the conflict which must necessarily arise, where two parties firmly adhere to their respective determinations. In an independent state, such pertinacity may bring about revolution and the dethronement of the Sovereign. In a colony it may lead to a state of perpetual and continual irritation, which may end in the ultimate ratio of all human affairs." That is, a resort to arms.

This is strictly constitutional doctrine. It admits all that is involved in my argument on this point in the preceding number. It admits that the Governor has more power in the colony than the Sovereign has in England, because of his greater responsibility, and because he combines in himself the power of the minister with the prerogative of the Sovereign. But how has the practice of the author of this quotation and of his fellow Associationists of Toronto contradicted his theory? In theory they here admit—though two months afterwards they and Mr. Blake contradict it—that the Governor General is responsible to the Imperial authority alone; they prefer certain charges against him for maladministration; but instead of bringing those charges with the alleged proofs of them before the Imperial authority for adjudication, they bring them before the Canadian public. Their theory before the formation of the Toronto Association admitted colonial connexion with England; their practice, and theory also through Mr. Blake, since the formation of that association, asserts independence of England. And, as stated by the chairman of the Toronto Association himself, "it now becomes at once a question whether the difference be of sufficient importance to enter upon the conflict which must necessarily arise?" The Imperial authority has substantially decided; the only other tribunal of appeal is the God of battles—the chances of war. Do the people of Canada regard the

"difference of sufficient importance" to make this appeal? To enter-upon this "conflict?" If not, ought they to countenance or become committed to the agitations and associations which are the essential preliminaries to such a conflict? I believe they ought not, and especially for two amongst many reasons. First, the Imperial authorities have done no more than they have a constitutional right to do. They pass no stamp act; they invade no Canadian right; they decide upon facts, of which the responsible government resolution of 1841, makes them the judge. To resist them, therefore, cannot be justified in the sight of God or before the world. One of the late Councillors, and those who admitted him as their organ, have heretofore acknowledged submission to an inferior tribunal in regard to even the theory of responsible government itself—the prating of Mr. Blake about "eternal justice" and the shouts of the Toronto Associationists to the contrary notwithstanding.—In the first number of the Examiner, July, 1838, Mr. Hincks, after stating that the object of his paper was to lay before the Earl of Durham the views of Reformers on the question of Responsible Government, said—"If after their views have been submitted, and duly considered, it should appear to His Excellency, the High Commissioner, inexpedient to recommend their adoption, we trust all agitation on the subject will be dropped, and that those who cannot with comfort to themselves live happily under the institutions which shall be established, will peaceably leave the Province and settle where they can enjoy institutions more congenial to their wishes."—If the decision of a High Commissioner was in 1838, to be final as to the theory of responsible government itself, ought not the decision of the authority that appointed that Commissioner to be final in 1841, in regard to certain facts relative to the working of that system—facts which the very document that embodies it refers to the decision of the Imperial authority? There would not have been a moment's hesitation on the subject—not a voice raised against it—nay it would have been received with acclamation—had not rapid strides been made on the road to independence, since 1838. But since the Imperial authority has decided the question, I may perhaps be permitted to say in the language of Mr. Hincks, "we trust all agitation on the subject will be dropped, and that those who cannot with comfort to themselves live happily under the institutions which shall be established, will peaceably leave the Province and settle where they can enjoy institutions more congenial to their wishes."

2.—I believe the decision of the Imperial authority ought not to be resisted by the people of Canada, because it grants all that they have asked for. They have asked for responsible government according to the resolutions of 1841. The Imperial authority grants it without reserve. With those resolutions, however, the Toronto Associationists seem not to be satisfied. To these resolutions they have added Lord Durham's Report. In their

proceedings, they have insisted upon the resolutions of 1841 and Lord Durham's Report. Why did they not think of this in 1841? Are they to change their grounds and claims as often as they please? Up to the time of the late resignations they asked for nothing more than the resolutions of 1841; but since then it has been found that those resolutions did not by any means cover the demands made by the late councillors; and to make any tolerable excuse for some of those demands, they must go beyond the Magna Charta resolutions, and isolate some passages from Lord Durham's Report. But it should not be forgotten that whilst the Imperial Government unhesitatingly assent to the resolutions of 1841, they have assented to Lord Durham's Report only in connexion with the limitations laid down in Lord John Russell's Despatch of October 14, 1839. Lord Durham explained the theory; Lord John Russell added the securities required in its safe practical working. What the supreme authority has joined together, is not without authority to be put asunder. Under that despatch Mr. Baldwin took office in 1840; to that despatch Mr. Sullivan unequivocally subscribed, as I can prove to demonstration if required; and with that despatch the present newspaper organs of the Toronto Association expressed themselves satisfied at the time of its publication. The following is an editorial paragraph which I inserted in the *Christian Guardian*, April 8, 1840:—"The Editors of the following papers have already expressed themselves satisfied with the recommendations of Lord John Russell's Despatch; namely, the *British Colonist*, the *Patriot*, the *Examiner*, the *Mirror*, the *Commercial Herald*, the *Hamilton Express*, the *Niagara Chronicle*, and the *Montreal Gazette*. The *Examiner* (Mr. Hincks) pronounces the despatch "the full concession of responsible government, as he has always understood and advocated it." This is an extraordinary statement; but we are pleased that our contemporary is satisfied. We have been told that Mr. Attorney General DRAPER is also satisfied; and we have heard it stated that Mr. BALDWIN read the despatch before he was appointed Solicitor General. Thus are all parties at last agreed as to our future system of government. Then may "past differences be forgotten on all sides."

Such was the decision of Reformers as well as Conservatives in 1840, respecting the positions of Lord John Russell's Despatch.—In the *Guardian* of the 8th and 15th of April, 1840, I gave lengthened articles on that despatch, stating the several points of agreement and difference between it and Lord Durham's report—what was granted and what was not granted. I was not so much charmed with it as was Mr. Hincks; nor could I express myself in so joyous language as did he and his reform contemporaries. I did, however, bow to it in the following terms and am not prepared, like the Associationists, to deny my own words, though I reserved the right of future freedom of remark on the subject;—"For the sake of peace, from dutiful respect,

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and under pledge of good government, we bow to the royal decision; and we do so frankly, openly, unequivocally, and calmly await the experiment of the Government remedy. We shall exercise our pleasure as to our opinion on the theory itself, and as to what we may say or do respecting it in future years; but for the present we yield obedience to the mandate from the Throne; and will render the Governor General's administration all the support in our power."

It is all-important that every man in Canada should not be mistaken as to the decision of Her Majesty's Government. That was stated by Lord Stanley, "in every word of whose statements (Sir Robert Peel said) I—and I am sure I speak their sentiments—and the rest of the Government entirely concur. Lord Stanley said that Her Majesty's Government concurred in Lord Durham's Report, as explained and applied in the despatch of Lord John Russell.—Then Lord Stanley expressed the sentiments (sanctioned by the cheers of the House) of Her Majesty's Government thus, in reply to Mr. Roebuck:—"Now the hon. and learned gentleman had asked him (Lord Stanley) whether he concurred in the views which had been taken by Sir Charles Bageot on the subject of Responsible Government, whether he would state explicitly to the House what his own sense of Responsible government was? (Hear.) He would do so. (Hear.) By responsible government, he understood that the administration of Canada was to be carried on by the heads of departments enjoying the confidence of the people and of the Legislature of Canada; and responsible to the Legislature of the colony for the due exercise of the functions of each of their departments. (Hear.) Nay, more he also understood by it that the Governor in introducing and expounding measures for the consideration of the Parliament of Canada, should be guided by the advice of those whom he might have called to his council. But if the honourable gentleman asked him whether, by responsible government, he meant that the Governor was to be the mere machine or passive instrument of any set of men or party in the colony, his answer was, that he could understand very well to what it might lead, but that such a system was not consistent with constitutional government in a British colony, under the authority of a British Governor. (Cheers.) He therefore approved of the conduct of Sir Charles Metcalfe—(cheers).—in not agreeing to the terms which his council wished to impose upon him. Sir Charles Metcalfe, however, they laid down in express terms, his adherence to the resolutions of the third September, 1841, to which the honourable and learned gentleman had adverted—that the head of the Executive Government was responsible to the Imperial authority alone, but that the management of the local affairs of the colony were only to be carried on by him, with the assistance of subordinate officers of the government. Sir Charles Metcalfe had, in the most express and explicit terms adhered to the principle of the resolu-

tions to which he had just adverted, and said, in doing so, that he considered any other system of government, as impracticable in the Province of Canada. (Hear, Hear.) He (Lord Stanley) was not disposed to enter into the question whether responsible Government was or was not the one most likely to conduce to good government, to conciliate the opinions of the people of Canada, or to enlist in the public service men of honesty, character, integrity and faith; but the principle had been conceded both here and in Canada, and to it Sir Charles Metcalfe had agreed. The resolutions in question said that the Governor General was to be responsible; but the hon. and learned gentleman would leave him without responsibility at Home, but an instrument in the hands of the Executive Council and responsible to them. The two responsibilities might, by possibility be exercised by mutual forbearance and good sense on the part of the hon. and learned member (Mr. Roebuck) be adopted, and the Governor could be nothing more than a mere agent in the hands of the Executive Council—(hear, hear)—and yet, at the same time, responsible at home.—This was practically absurd, for without power there could be no responsibility."

I submit, therefore, that the Imperial authority has fully sanctioned responsible government, as desired by the people of Canada; and that every man and association should be rejected and avoided that persists in resistance against Her Majesty and her Representative in Canada.

2.—I would remark, in the next place, that the people can have no interest in perpetuating strife and contention. Party editors and office-seeking partizans may gain by it; but the people will be as a picked goose or a pillaged householder. The value of property is not increased by agitation; nor the transaction of commerce advanced by strife; nor the influx of immigration, or the investment of capital, promoted by commotion; nor are the interests of Religion extended by calumny, or its spirit diffused by clamour; nor are the resources of the country, improved by collision, nor its laws best administered by confederacy, nor its energies strengthened by division. In every respect must the people be a loser, and the country a sufferer from strife and contention.

3.—Nor can the people advance their interests by ranging themselves under the banner of party leaders, and disputing about men. To contend for principles is patriotic; but the Home Government have avowed all the principles ever contended for: and to dispute about men—the only remaining topic of contention—is factious. The late Rev. Robert Hall has forcibly remarked that "factions are founded on men;" and that in contending for them, "the people are candidates, for servitude, and are only debating whose livery they shall wear." The same writer, after noticing that in the early times of the Roman Government, they were disputes relative to the principles of the Government between the patricians and plebians, and remarks—"in the

progress of corruption, things took a turn; though permanent parties which sprung from fixed principles of government were lost, and the citizens ranged themselves under the standard of particular leaders, being banded into factions, under Marius or Sylla, Cæsar and Pompey; while the Republic stood by without any interest in the dispute, a passive and helpless victim."

4. Nor can the interests of the people be advanced by countenancing party combinations, by advocating extreme measures or by supporting extreme men. By extreme men, I mean, those who are violent and reckless in their conduct, or who push good principles to extreme lengths. Of two men, one may be violent in his manner, but moderate in measures: the other may be very gentle in his manner, but extreme in his application of good principles. Neither is desirable, but the latter is by far the more impracticable and dangerous of the two. He is in politics what the bigot is in religion—a man of one idea, and that idea is all the world to him; and all the world is not too much to be sacrificed for it.—Opinions with him are fundamental principles; and his principles are infallibilities—always equal in magnitude and alike inviolable. By extreme measures I mean, measures or proceedings that destroy the equipoise of our balanced constitution; or that infringe constitutional rights; or that involve hazardous if not dangerous experiments; or that savour more of change than stability; or are founded on party rather than general principles, or are promotive of party more than general objects; or that alter the land marks or loosen the foundations of society. What I mean by party combinations cannot be mistaken. In looking over the statute book of Upper Canada, and in contemplating its history during the last twenty years, I cannot find or recollect a single measure that has been carried into effect or single principle that has been secured by party combination or by extreme proceedings of any kind. It is an instructive though hitherto unnoticed fact, that every advantage which has been acquired, every concession which has been obtained, and every considerable step which has been made in the science of constitutional government in Canada has been effected by moderate men, and in opposition or in the way of no thanks to extreme theorists or partizans; and that extreme parties or extreme party proceedings have formed the most serious obstacles to the progress of just and liberal government. From 1833 to 1840, the only liberalising measure got through the legislature was the amended King's College Charter Bill—and that was accomplished by moderate men in the spirit of concession between contending parties.—The political association that sprung up in Toronto in 1834, and its township branches, with the extreme men directly or indirectly connected with them, were as inimical to civil reform as they were to public moral and constitutional principles and sowed and nourished a seed which produced a fearful harvest of rebellion in 1837. Opposite party ex-

trems and violence were nearly as baneful during the next 3 years. Lord Sydenham owed all his success, and Upper Canada is indebted for all the benefit, to moderate counsels and the support of moderate men against the opposition of extreme men—especially Mr. Hincks and his followers. In June 1841, the responsibility of ministers of the Crown to the legislature was the first time in the history of Canada, announced first by Mr. Draper and then by Mr. Harrison, when both Messrs. Baldwin and Hincks were in opposition, and when Lord Sydenham's administration was supported by the moderate reformers in Upper Canada. It was while they thus evinced a candid conciliatory feeling, and a manifest desire to co-operate with the Governor-General and the Imperial Government as far as possible, that the British Parliament was induced to guarantee a loan at a reduced rate of interest which secures to the people of Canada many thousand pounds every year. And the Home Government have since been pressing fixed measures highly beneficial to the agricultural and commercial interests of Canada.

When Mr. Baldwin during the third month of the session of 1840, not content with the declaration of ministers) (all that had ever been made in England (introduced certain Resolutions on the subject of Responsible government, the result was rather to secure the power of the monarchy than to advance the influence of the popular principle, as was evidently intended. For while in the amended resolutions (written by Lord Sydenham) the responsibility of ministers to the legislature was not more explicitly stated than it had been months before by Messrs. Draper and Harrison, another resolution explicitly provides for the Governor's responsibility to the imperial authority alone, had it not been for which, it is clear from the spirit of Mr. Blake and other Toronto Associationists, the responsibility of the governor to the Imperial authority would have been scouted in toto, and we would have been further towards the verge of independence than we are now.—Had not the new idol of party patronage and party policy been enshrined as the presiding deity of responsible government; and had the late Councillors conducted themselves towards Sir Charles Metcalfe in the same spirit of liberality and justice that characterised their profession under Sir Charles Bagot, and marked the spirit and proceedings of Upper Canada reformers in regard to Lord Sydenham, Sir Charles Metcalfe would soon have proved as great a benefactor to Upper Canada as ever Lord Sydenham was, and as efficient a friend to Lower Canada as Sir Charles Bagot ever was, and we would now be in a happy and prosperous state, instead of being convulsed by agitations and torn to pieces by parties. Canada owes all its evils to immoderate counsels and extreme men, and all its improvements to moderate counsels and moderate men, and by moderate men, I mean practical men—men firm in principle—just in counsel—provident and safe in execution.—

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This subject affords materials for an elaborate essay; but I can proceed no further than these few references. It is not possible that the Home Government can feel encouraged or authorised to recommend investment or incur responsibility on account of Canada, when they see the chief persons in its government employing every means to render the connexion between it and England as nominal as may be; nor can they regard themselves as very decently treated when they are never referred to by Canadian Executive Councilors except in some such insidious terms as those contained in Mr. Baldwin's favourite phrase, "dusty shelves of the colonial office"—a phrase that indicates distrust and hatred; and is calculated to produce them both, and not attachment or respect for the Imperial Government.

And every man in Canada should mark the progress in the sentiments and feelings of these party combinations and proceedings.—Little more than a year ago, the late Counselors would advise the distribution of the patronage of the crown without regard to sectional differences "religious or political."—Now it must be demanded to be distributed with special reference to these differences.—A few years ago, Mr. Hincks and his friends would bow to the decision of a high commissioner even in regard to responsible Government. Now, they resist the Imperial authority, even on deciding on certain facts which the constitution expressly makes it the judge. In January last, the chairman of the Toronto Association admits a two-fold responsibility on the part of the Governor General to the Imperial authority; in March, all responsibility on the part of the Governor General to the Imperial authority is denied under the auspices of the Toronto Association. It is thus that Mackenzie's associations advanced from step to step before 1837. It is thus that the principles of one year are rejected and trampled upon the following year; and no man beginning such a course can tell where he will land. The authors of the French revolution set out with sound principles, but finished their career of party combination and party improvement without any principles. The London Quarterly Review for March, (article "Revolutionary Tribunal,") has the following monitory remarks: "No body goes so far as he who knows not where he is going." Robespierre and Marat's first steps in literature and in public life were by essays and speeches for the total abolition of the punishment of death: they became, within a few months, the most fearful professors of both the theory and practice of judicial murder that ever decimated mankind. The first decree, (in 1793) that the National Assembly passed on the penal code, provided that capital punishment should in no case be followed by confiscation of property. The first decree (in 1793) of the National Convention, on the same subject, was, that in every case confiscation should inexorably follow; and it would be easy to shew that there was not one of the salutary principles of government advanced by the legislators of

1789, which was not by the most contradictory energy trampled under the feet of the legislators of 1793."

5. Finally, I submit whether the people of Western Canada can do better in 1845, in regard both to the representation and the executive council, than they did in 1841? As first minister of the Crown in Canada, Lord Sydenham avowed the principles and objects of his administration, and in her Majesty's name asked the people for their support. They did not range themselves under the banners of Mr. Baldwin and Mr. Draper; but elected members upon the ground of their supporting or opposing the avowed principles and policy of the Governor General; and they selected the best representation that Canada ever had. Let them do the same again. Sir Charles Metcalfe is not less liberal than was Lord Sydenham; nor is he less trust worthy.

In a late reply "To the Pastors and delegates of the congregational Churches of Eastern Canada," his Excellency said—"Being in principle an advocate for those blessings (civil and religious freedom) and opposed to political exaltation of distinction or any church over another, I aim at justice to all. I rely, on those, to whatever denomination they belong, who are loyal to the queen, and attached to the mother country, and who seek the welfare of this colony as an integral portion of the British Empire. I thank you for the assurance of your hearty support in every measure that may appear to you for the divine glory, the public good, and the honour of the Saviour, whom all Christians must recognize and adore, as head of the Church. I do not desire support on other conditions; and I shall not willfully sanction measures of an opposite character."

By giving Lord Sydenham and the persons whom he thought proper to select a fair and generous trial, they obtained responsible government, good measures, and important assistance from the Imperial Parliament—and a change in the administration when it was subsequently desired. Let them give Sir Charles Metcalfe and his advisers the same trial—judging by measures—and they will escape the rocks and shoals on which the constitutional ship is like to founder, and leave the way open for any man or men to be employed in the service of the country, without reference to past differences. If the administration thus formed and granted—what the last administration asked for and were allowed—the common justice of a trial, should not redeem their promises and fulfil the expectations of the country, they can at any time be changed, by a vote of the Legislature. But a league or an attempt to oppose an administration upon other grounds than its measures has always proved suicidal in Canada, however plausible the pretext, and is at variance with the very end as well as the first principles of civil government.

An administration thus formed will not be established upon and incorporated by the party-plunder articles of league confederacy, but upon its merits—its honesty—its justice—its

efficiency to promote the general good ; of which every member of the Legislature will be the independent watchmen and the unbribed judge. It is thus that responsible government will have a fair field of successful experiment in a British colony ; that the prerogative of the Crown will be unfriuged by stipulating demand or factious combination, whilst its exercise will be constitutionally checked and efficiently influenced on every side ; that the precipices and gulfs to the brink of which party rashness and party cupidity have brought the country, will be escaped, and the current affairs will be restored to a safe and constitutional channel ; that an open career will be afforded to every public man, to recover from any errors of the past, into which he may have fallen ; and advance according to his merits in the legitimate judgement of his fellow subjects ; that the institution and system of education, from the provincial university down to the elementary schools, will be extended to all classes without distinction and upon equal terms ; that the foundation will be laid—as far as it can be laid by human efforts—on which to erect the structure of public prosperity and happiness, to remove the withering curse of political party associations secret and open, and, by healing the wounds which divisions and collisions have inflicted upon the country, to restore its health revive its energies, husband its resources of intellect and wealth, and elevate its character.

I believe there is a plain path of duty before the members of the legislature and the people at large ; and I submit to every candid man in Western Canada, whether the remedy which I have taken the liberty to propose, and the line of duty I have attempted to mark out, is not preferable to the Toronto Association remedy and war-cry of hostilities against the imperial and local governments and party collisions and proscriptions, amongst their fellow subjects throughout the length and breadth of the land ?

I have written these papers, and I propose the question just stated, with all its unmeasurable weight of magnitude and importance, as a man who has no temporal interest whatever except in common with that of his native country—the field of his life's labours—the seat of his best affections—the home of his earthly hopes ;—up to the present hour I have never received one farthing of its revenue. I know something of the kinds and extent of the sacrifices which are involved in my thus coming before the public. If others have resigned office, I have declined it, and under circumstances very far less propitious than those under which the late Councillors stepped out. But duty in regard to fundamental principles, has nothing to do with the calculations as to personal profit or loss. I have no interest in the appointment of any one man or set of men to office, or in the exclusion of any other man or set of men from office. I know

of but one chief end of civil government, the public good ; and I have one rule of judging the acts and sentiments of all public men—their tendency to promote the public good.—And my reply to the advocate of King's College Council, on the University question, evinces my readiness to oppose Mr. Draper as well as Mr. Baldwin, when anything said or done by him is, in my judgement, after diligent research and serious reflection, dangerous to the public welfare, or inconsistent with the constitutional rights of any branch of the government, or portion of the community.

I am as independent of Messrs. Viger, Draper and Daley, as I am of Messrs. Baldwin, Sullivan and Hincks ; and I would apply the same rule of judgment to the sentiments and acts of the former, as to those of the latter.—Nay, I might appeal to more than one instance in which the authority and patronage of Governors did not prevent me from defending the constitutional rights of my fellow-subjects and native country ; nor would it on this occasion, had I become convinced that the Governor was the invader instead of the defender of constitutional rights. The independent and impartial judgment which I myself endeavour to exercise, I desire to see exercised by every man in Canada. I believe it comports best with constitutional safety, with civil liberty, with public duty, with national greatness.

With the *politics of party*—involving the confederacy, the enslavement, the selfishness, the exclusion, the trickery, the antipathies, the criminations of party—no good man ought to be identified. I believe he cannot be so long and be a man of God. Thus to article and resign himself, will soon eat up the spirit, if not sap the principles of his holy Christianity. Upper Canada contains the warning monuments of many such moral shipwrecks. May they not be multiplied. With the *politics of Government*—involving its objects, its principles, its balanced powers its operations—even against the encroachments of any party—every British subject has much to do. Civil Government, as St. Paul says, “is an ordinance of God.”

Every Christian—every Christian minister—has something to do with every ordinance of God.” He is not to see it abused, or trampled under foot, or perverted for party or sectional purposes ; but he is to seek its application, to the beneficent ends for which it was designed by our common Creator and Governor. Such have been the ends for which the people of Canada have long sought its application, such have been the ends sought by the Governor General. By all therefore, that is sacred and important in these ends, I believe “It is the duty and interest of the People of Canada to maintain those views which they have always professed, and which Sir Charles Metcalfe has most explicitly and fully avowed.”